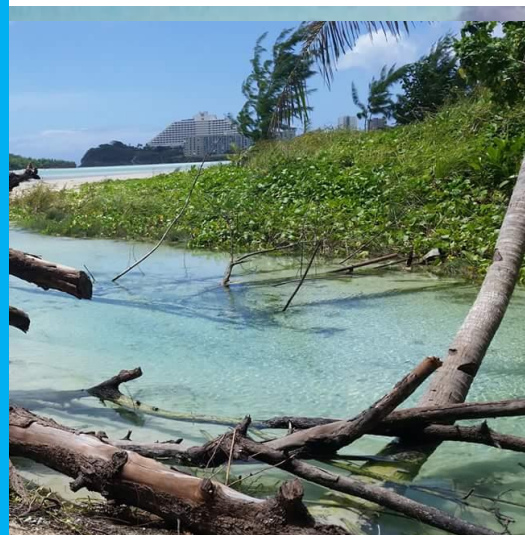


Pago Bay Ocean Resort

OTSC December 7, 2016
Response December 21, 2016

GLUC Application No. 2015-29
Yona, Guam



Zone Variance Application No. 2015-29B, Pago Bay Ocean Resort

Guam Wanfong Construction, Inc.

Response- Cover Letter to the Order to Show Cause (OTSC) dated December 7, 2016

Submitted: December 21, 2016

FROM: AES Construction, Inc. (Representing Wanfang Construction, Ltd.)

Unit 305 Sunny Plaza

125 Tun Jesus Crisostomo Street

Tamuning, Guam 96913

TO: Guam Land Use Commission

Department of Land Management

Government of Guam

P.O. Box 2950

Hagatna, Guam 96932

Submission Contents:

1. Summary- Response to Order to Show Cause (OTSC) dated December 21, 2016
 - 1.1 Attachment 1- Draft Agreement between Owner & GLUC
 - 1.2 Attachment 2- Density Update – Total 232 Unite
 - 1.3 Attachment 3 – Parking Update
 - 1.4 Attachment 4 – Reburial Update
 - 1.5 Attachment 5 – Wetlands Update
 - 1.6 December 2016 Status Update noting ongoing status of the Notice of Action Conditions of Approval, dated May 3, 2016
 - Attachment 6 - Detailed Status Report

Zone Variance Application No. 2015-29B, Pago Bay Ocean Resort

Guam Wanfong Construction, Inc.

Response to the Order to Show Cause (OTSC) dated December 7, 2016

Submitted: December 21, 2016

Response Summary

AES offers the following response to the actionable items listed in the OTSC:

OTSC Action Items	AES Response
Failure to meet the required six (6) month deadline	<ul style="list-style-type: none">▪ We are deeply concerned and embarrassed by the late submission. It was not our intent to miss the deadline nor provide inadequate information.▪ Our consultant Richard Sana of FCB Planners has resigned from the project.▪ Ms Barbara Burkhardt, RA of AES will continue from this point forward to prepare the Status Update Report and answer questions in Regard to the OTSC and to the details in Project Status Update.
1. The financial status of the project	<ul style="list-style-type: none">▪ Ongoing▪ SD (Schematic Design) was fully funded by the Owner August 2016. AES has prepared SD Level Architectural, Landscape and Civil Engineering documents. A current Wetlands Delineation and Building Geophysical Testing has been performed by Consultants. An Ancient Remains Burial Coordinator was added to the Team. RFP's were sent out to additional Consultants describing their scope of work.▪ Owner has Approved SD Revisions Requested by GLUC November 29, 2016 as Attached in this Document.▪ SD has now been closed by AES on December 2, 2016.▪ DD & CD (Design Development & Construction Documentation) has been fully funded by the Owner December 2016 based on SD Design review and approvals by the Owner. Structural, Mechanical, Electrical, Plumbing and Fire Protection Engineering Proposals have been received and their work will work commence shortly. AES will be

Zone Variance Application No. 2015-29B, Pago Bay Ocean Resort

Guam Wanfong Construction, Inc.

	<p>performing Designer of Record, Architectural and Civil Engineering. Additional Consultant Interviews for Wetlands Design and Archeologist are ongoing.</p> <ul style="list-style-type: none">▪ Draft Agreement securing the completion of the project between GLUC and Owner has been prepared by Owner's Counsel and submitted to GLUC. Attachment 1.▪ Attachment 1, Delivered under separate cover to DLM Marvin Aguilar December 21, 2016.
2. Density requirement appearing to have been exceeded	<ul style="list-style-type: none">▪ Complete, December 21, 2016▪ We acknowledge confusion between the previous status update summary and the attachments in regard to total count.▪ Total units 232. AES has removed the additional door leading to the hallway in each unit, which was the source of comment as to the density maximum being exceeded. Owner has approved this revision in their Final SD Review of a SD Design Package dated December 2, 2016.▪ Attachment 2, Updated SF Project Summary Sheet, Relevant updated sheets describing the revision.
3. Not meeting the parking requirements	<ul style="list-style-type: none">▪ Complete, December 21, 2016▪ Total Parking Spaces provided 248. Requirement is 1:1 residential unit count to parking count, exceeding required minimums by 16 spaces.▪ All ancillary spaces described at the Lobby and Mezzanine are for tenants and their guests only. Ongoing, Tentative completion Mid February 2017▪ AES is exploring further Design Revisions to the Basement Levels to create more parking spaces such that the restaurant, café and function rooms might be open to the public. 16 is not enough public parking.▪ See Attachment 3, Updated floor by floor Count Totals see page 1 Attachment 2, Relevant sheets describing the Revision.
4. Update and status on the internment of	<ul style="list-style-type: none">▪ Ongoing, Tentative completion March 2017

Zone Variance Application No. 2015-29B, Pago Bay Ocean Resort

Guam Wanfong Construction, Inc.

remains	<ul style="list-style-type: none"> ▪ AES has contracted Hurao Inc. President Anna Marie B.Arceo, to coordinate reburial of the remains. ▪ Original Compliance is under the Notice of Action dated March 13, 2008 for Application No. 2007-84. Further, this will be addressed and permitted separately from Pago Bay Ocean Resort, and is scheduled for completion in March 2017. ▪ Interviews with Archeologists are currently ongoing. ▪ The remains have been documented, wrapped and placed in appropriate boxes under a previous MARC contract. The remains are ready for burial. ▪ See Attachment 4
5. Written report from the Army Corps of Engineers on any possible impacts to the wetlands	<ul style="list-style-type: none"> ▪ Ongoing, Tentative completion May 2017 ▪ Army Corps reviewed the project with AES October 20, 2016. ▪ AES has been actively on the appropriate design responses to protect the existing wetlands. AES has been informed that the Army Corps of Engineers the will issue a written report in conjunction with the submission of Civil and Landscape Construction Documents. ▪ Wetlands Consultants & Advisors <ul style="list-style-type: none"> -Dr Randall, Advisor - Coastal & Coral Only -Dan Wooster, Advisor – Wetlands -Wetlands Design Consultant – Qualification Interviews on going. -Wetland Delineation & Monitoring - ARC Environmental Services, Jowl Sablan Ongoing Contract ▪ Next Steps – Wetlands Hydrology Profile by ARC, Select Wetlands/ Vegetative Barrier Design Consultant, Create Design Profiles from the Building Edge to the Edge of the Wetlands. Review Profiles with Authorities. ▪ See Attachment 5
6. You should be prepared to provide evidence to the GLUC as to how you complied or any work towards compliance with all of the conditions of the Notice of	<ul style="list-style-type: none"> ▪ Ongoing, Completion goals vary per item, SD through Operations (ongoing after Occupancy) Additional Clarification required from Authorities are noted.

Zone Variance Application No. 2015-29B, Pago Bay Ocean Resort

Guam Wanfong Construction, Inc.

Action	<ul style="list-style-type: none">▪ “Pago Bay Resort December 2016 Status Update” details AES specific status and efforts made to comply with each NOA condition▪ See Attachment 6
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In addition, AES would like to make GLUC aware of the following important updates:

7. Name change from “Pago Bay Marina Resort” to “Pago Bay Ocean Resort.”
8. On January 12, 2017, AES would like to present additional ongoing Design Images of Key Areas of the Pago Bay Ocean Resort Project. At a minimum we will have our Design of the Reburial Site ready for presentation.
9. Time Frame / Schedule

The Time Frame column is referenced in the Status Update Attachment 6. The following is the tentative Schedule for Pago Bay Ocean Resort. *Each phase requires the Owner/ Developer Approval before proceeding. Final Approval by the Authorities under DPW Permit is also an estimated duration. Delays in the Schedule are a Normal Shift in date during Design, Construction Documentation, Permitting, Construction, Occupancy Permit and Project Closeout.*

SD – Schematic Design (Early Design Phase describing the Basic Components of the Project.) Completed December 2, 2016

Reburial – January Final Coordination with Parks & Recreation, Reburial Ceremony Scheduled for March 2017. Design Presentation to GLUC Board January 12, 2017.

DD – Design Development (Later Design Phase bringing including Building Engineers.) On Going, Completion estimate Mid-February 2017

Grading Permit for Highway Work– Submission to DPW & Department of Highways, March 2017. Temporary Access to Project through DPW Easement Right of Way and remediation of abandoned DPW works in Easement will be described.

Grading Permit to Protect Wetlands from Construction Work– Submission to DPW & Army Corps of Engineers, March 2017. Vegetative Barrier and Construction Sedimentation Barriers will be described. Phased Protection Plan during construction will be described.

CD – Construction Documents (Final Architectural and Engineering Documentation, submitted for permitting) 3 Months beginning Mid February 2017.

Permit – Submission Mid May, 8 – 12 week duration

CA – Construction Administration, Upon receipt of Permit 18 month duration: Occupancy Permit and Contract Closeout an additional 6 months.

Operations – Post-construction

Zone Variance Application No. 2015-29B, Pago Bay Ocean Resort

Guam Wanfong Construction, Inc.

10. Eco-Green/ Eco Resort

At least one reviewing agency referenced a desire to see “eco-green” principles incorporated into the project. Both the Owner and AES are committed to such goals. The Draft 2015 Guam Energy Code and Leadership in Energy and Environmental Design (LEED) principles are being used as guidelines for defining “eco-green” and crafting a Green Basis of Design. The Eco Green column in the Status Update Attachment 6 indicates which Conditions of approval are consistent with such principles.

Attachment 6 Status Report is Organized by LEED Principles to guide the Consultant Team on the Green Basis of Design. The Green Basis of Design will exceed the minimums set forth by the ARC Project Review. LEED Principles require Pre Construction, Construction, Commissioning and Post Occupancy commitment from an Owner/ Develop.

Attachment 6 - Sections

1. General
2. Site - LEED
3. Structure
4. Materials & Resources- LEED
5. Energy - LEED
6. Water - LEED

DOOLEY ROBERTS FOWLER & VISOSKY LLP
ATTORNEYS AT LAW

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TIM ROBERTS
KEVIN J. FOWLER
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SETH FORMAN

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SUITE 201
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www.GuamLawOffice.com

Of Counsel:
MELINDA C. SWAVELY

Writer's Direct Email:
Forman@GuamLawOffice.com

December 21, 2016

VIA HAND DELIVERY

John Z. Arroyo, Chairman
Guam Land Use Commission
ITC Building
590 South Marine Corps Drive
Tamuning, Guam 96913

VIA HAND DELIVERY

Marvin G. Aguilar, Guam Chief Planner
Department of Land Management
590 South Marine Corps Drive
Tamuning, Guam 96913

*P. Carlan 12/21/16
Land Planing Div*

**Re: Draft Agreement pursuant to section 8 of May 3, 2016 Notice of Action re:
Pago Bay Marina Resort**

Dear Chairman Arroyo and Chief Planner Aguilar:

Attorney Jon Visosky of our office is currently representing Wanfang Construction, Ltd. and Guam Wanfang Construction Ltd. with regards to matters pending before the Guam Land Use Commission concerning the Pago Bay Marina Resort project. Because Jon is currently off-island, I have been asked to prepare a document to be submitted to the Commission for review, that being a draft agreement between the Commission and Wanfang concerning a demolition bond to assure demolition of structures associated with the project in the event that Wanfang cannot complete the project due to lack of funding. Wanfang is required to submit this draft agreement by section 8 of the Notice of Action prepared on May 3, 2016 concerning Wanfang's request for a height variance. A draft agreement is enclosed for your review and comments. Because section 8 did not provide substantial detail concerning the agreement to be submitted for the Commission's review, I would like to call your attention to some of the proposed language that has been included to "fill in the blanks".

I would note that the draft agreement provides for a bond payable to the Guam Department of Public Works in the amount of 110% of the estimated cost of demolition of the

COPY

project, not 110% of the cost of the entire project. This is because the bond would be used only to demolish the incomplete project, rather than to complete, the project.

The draft agreement provides for reports from Wanfang to the Commission up until the time that construction commences. Wanfang understands that once construction has commenced, the Department of Public Works would be the agency with primary responsibility for oversight in accordance with Guam law.

The draft agreement also provides for demolition of any or all parts of the project that are incomplete and that violate any Guam law, are a hazard to the environment or public health, and/or are an eyesore. It is Wanfang's understanding and belief that even if the entire project is not completed on time, the bond would and should not be used to demolish buildings or facilities that are complete and functional.

With respect to review of an initial decision by the Commission to authorize use of the bond to commence demolition, the draft agreement provides that Wanfang would have a minimum (and at the Commission's discretion, that could also be a maximum) of 30 days to seek reconsideration of such a decision. The draft agreement provides that Wanfang could not seek judicial review of the decision without first seeking reconsideration from the Commission. The draft agreement further provides that if Wanfang then seeks judicial review, a decision by the Commission which is in accordance with the law and which is supported by substantial evidence shall be conclusive. This is the same deferential standard of review applied to other administrative agency decisions in 9 GCA §9239 in Guam's Administrative Adjudication Law.

Thank you for your attention to this matter. Representatives of Wanfang and either Jon or I would of course make ourselves available to meet with you and/or the Commission's attorney to discuss this Draft Agreement. Once the draft agreement has been reviewed and approved, we can arrange to have it finalized and recorded.

Sincerely,

DOOLEY ROBERTS FOWLER & VISOSKY LLP

Seth Forman

Seth Forman

Encl.

cc: James Fang, Vice President/General Manager
Guam Wanfang Construction Ltd.

John K. Sherman, PE, President
AES Construction

**DRAFT AGREEMENT BETWEEN GUAM LAND USE COMMISSION AND GUAM
WANFANG CONSTRUCTION LTD. CONCERNING DEMOLITION BOND**

THIS AGREEMENT is entered into this ____ day of December, 2016, by and between the Guam Land Use Commission, hereinafter called "the Commission", represented by the Chairman of the Commission, and Wanfang Construction Ltd., hereinafter called "Wanfang", represented by the General Manager of Guam Wanfang Construction Ltd..

WHEREAS, in Application No. 2015-29A, Wanfang applied to the Commission for a zone variance for height to construct the Pago Bay Marina Resort on Lot 164-4NEW-1, Municipality of Yona; and

WHEREAS, on May 3, 2016, the Commission approved the application for the zone variance for height with conditions; and

WHEREAS, the conditions for the approval included a requirement that there be an agreement between Wanfang and the Commission to assure the availability of funding for the demolition of structures associated with the project in the event the developer fails to realize project completion as a result of lack of funding;

NOW THEREFORE the Commission and Wanfang agree as follows:

1. Wanfang shall commence construction on the Pago Bay Marina Resort project by May 1, 2017, and shall complete the project by November 30, 2019.
2. From the date of recordation of approval for the project up until the date of commencement of construction, Wanfang shall submit a written report every six months to the

Commission on the status of the project with respect to the associated phases of development. The reports shall include the status of funding for the overall project. Prior to commencement of construction, Wanfang shall provide the Commission with documentation that it has the financial capability to complete the project.

3. Prior to securing permits for the project, Wanfang shall obtain an estimate of the cost of demolition of the structures associated with this project from a reputable demolition company. Wanfang shall provide a copy of the estimate to the Commission.

4. Wanfang shall obtain a bond payable to the Guam Department of Public Works in an amount equal to 110% of the estimated cost of demolition of the structures associated with this project.

5. If the project is not completed by May 31, 2020, or if the Commission determines through substantial evidence that the project has been abandoned without being completed prior to that date, and if the Commission determines through substantial evidence that any or all parts of the incomplete project that are in place at that time violate any Guam law, are a hazard to the environment or public health, or are an eyesore visible from adjoining property or public roads, then the Commission may issue a decision authorizing the Department of Public Works to use the funding from the bond to demolish such parts of the project.

6. Wanfang may seek reconsideration from the Commission of a decision issued pursuant to paragraph 5 of this agreement within such time period as the Commission finds to be reasonable, provided that such time period shall not be less than 30 days. When seeking such reconsideration, Wanfang must cite appropriate reasonable justification to rescind such order. No demolition shall take place and no funds from the bond shall be expended while a request for

reconsideration, or an appeal therefrom, is pending. The request for reconsideration is a requirement for Wanfang to exhaust its administrative remedies before Wanfang may appeal the decision as set forth in paragraph 7 below.

7. Wanfang's may appeal any decision made by the Commission pursuant to this Agreement to the Superior Court of Guam by filing a petition for judicial review in the Superior Court of Guam within 30 days after denial of a request for reconsideration. A decision of the Commission which is in accordance with the law and which is supported by substantial evidence shall be conclusive.

8. Wanfang may request the release of any bonding obtained pursuant to this Agreement when the project is complete and a final occupancy permit has been secured through the Guam Department of Public works.

GUAM LAND USE COMMISSION

Dated: _____

By: _____

John Z. Arroyo, Chairman

GUAM WANFANG CONSTRUCTION, LTD.

Dated: _____

By: _____

**James Fang, Vice President/General
Manager**

I. **Lot Number** LOT 164-4NEW-1
 II. **Municipality** Yona

Lot Area		299,505 sf
Wetland Reserve	32%	96,660 sf
Vegetative Barrier (V.B.)	20%	58,258 sf

III. **Building Footprint** **16%** **49,261 sf**

IV. **Public Area**

Recreational Swimming Pool 92)		10,887 sf	
Play Area / Slide		1,986 sf	
Landscape/ Driveway Areas		60,933 sf	
* Boardwalk & viewing Platforms V.B.		(3,784) sf	* sf not included
Concrete Decks & Lounge Area		17,124 sf	
* Gabion Sea Wall (450lf x 6 ft) V.B.		(2,700) sf	* sf not included
Beach Access		<u>4,066</u> sf	
Total Public Area	32%	94,996 sf	

V. **** Off-Site Grading Route 4 Embankment** (16,670) sf ** sf not included

VI. **Parking Data**

Upper Level Parking Area		74,124 sf
Full Size	107	
Compact	2	
ADA Parking	4	
Lower Level Parking Area		76,813 sf
Full Size	127	
Compact	3	
ADA Parking	4	
Ground Level Site Parking		
Full Size	<u>25</u>	
Total Car Parking	272	
Other Parking – Bus	1	
Emergency Vehicle Access	1	

VII. Tower A

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Levels 1 – 11					
	AA	2	2	1,085	222
	AB	2	2	1,070	245
	AC	3	3	1,707	671
	AD	3	3	1,500	562
	AE	2	2	1,070	245
	AF	2	2	1,085	248
	AG	1	2	796	176
	AH	1	2	754	397
	AI	1	2	797	182
	AJ	2	2	1,052	447
	AK	2	2	<u>1,129</u>	<u>442</u>
Total Residential Units/ Floor					
11 Units per Floor/ Gross Areas Per Floor				12,106	3,838
Shared Floor Area per Floor					
	Stairs			336	
	Elevator			233	
	Circulation & Hallways			1,877	
	Chute			68	
	Housekeeping / Electrical Closet			212	
	Ice Machine Room			<u>43</u>	
	Total Shared Space			2,769	
Total for Tower A					
	11 levels				
	121 Units				
	Gross Tower A Area			205,843	sf

VIII. Tower B

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Levels 2 – 10					
	BA	2	2	1,085	222
	BB	2	2	1,070	245
	BC	3	3	1,707	671
	BD	3	3	1,500	562
	BE	2	2	1,070	245
	BF	2	2	1,085	248
	BG	1	2	796	176
	BH	1	2	754	397
	BI	1	2	797	182
	BJ	2	2	1,052	447
	BK	2	2	<u>1,129</u>	<u>442</u>
Total Residential Units/ Floor					
11 Units per Floor /Gross Area per Level				12,106	3,838

Shared Floor Area per Floor

Stairs	336
Elevator	233
Circulation & Hallways	1,877
Chute	68
Housekeeping / Electrical Closet	212
Ice Machine Room	<u>43</u>
Total Shared Space	2,769

9 Levels

99 Units

Subtotal Gross Area **168,417 sf**

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Level 1	BA	2	2	1,085	189
	BB	2	2	1,070	205
	BC	3	3	1,707	504
	BD	3	3	1,500	408
	BE	2	2	1,070	208
	BF	2	2	1,085	151
	BG	1	1	796	176
	BK	2	2	<u>1,129</u>	<u>313</u>
Total Residential Units/ Floor					
8 Units per floor/ Gross Area Per Floor				9,442	2,154

Shared Floor Area per Floor

Stairs	304
Elevator	233
Circulation & Hallways	2,329
Trash Chute	68
Housekeeping / Electrical Closet	346
Ice Machine Room	74
Lobby Mechanical Room	<u>240</u>
Total Shared Space	3,594

1 Level

8 Units

Subtotal Gross Area **15,190 sf**

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Level M	B	2	2	1,070	205
	C	3	3	1,707	504
	D	3	3	1,500	408
	E	2	2	1,070	208
Total Residential Units/ Floor					
4 Units per Floor				<u>5,347</u>	<u>1,325</u>
1 Level					
4 Units					
Subtotal Gross Area				6,672	

Total for Tower B

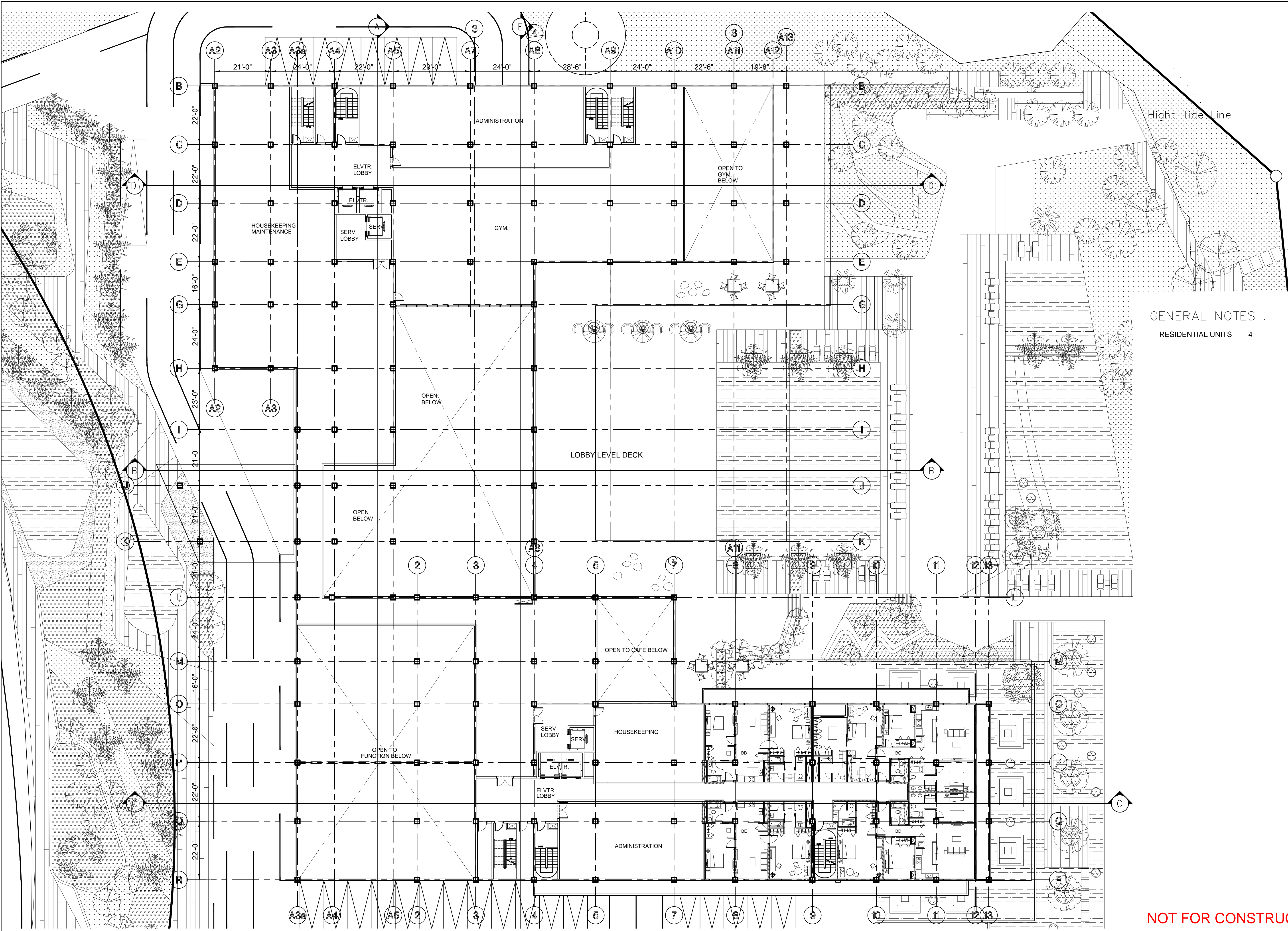
11 levels	
111 Units	
Gross Tower B Area	190,579 sf

IX. Ground/ Lobby Floor

Lobby entry/ Arrival/ Front Desk	834
Guest Lobby Lounge Area (2)	12,344
Gym (Lower Level -Pool Access)	3,945
Restaurant	4,624
Café	1,524
Kitchen	4,035
Function Rooms	5,106
Retail	4,331
Elevator Lobbies	1,634
Stairs	608
Open Lanai Deck Area/ Fountain	<u>3,600</u>
Gross Ground Total Area	42,585 sf

X. Mezzanine Floor

Admin Offices	4,411
Maintenance & Housekeeping	5,453
Stairs	760
Elevator Lobbies & Circulation	5,610
Guest Lounge Area	2,400
Gym (Main Level)	<u>5,746</u>
Gross Mezzanine Total Area	24,380 sf




GENERAL NOTES
RESIDENTIAL UNITS 4

1 OVERALL MEZZANINE FLOOR LEVEL
A-102 SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION

ATTACHMENT 2



AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
TAMUNING, GUAM
(671) 649-6321

Firm Name and Address

Certification / Seal

I certify that this work was prepared by me or under my direct supervision.

OVERALL MEZZANINE FLOOR LEVEL

No.	Revision/Issue	Date	Approved	Sheet	Content
01.	GLUC Status Update	Oct. 22, 2016			
02.	GLUC Status Update Revision	Dec. 02, 2016			

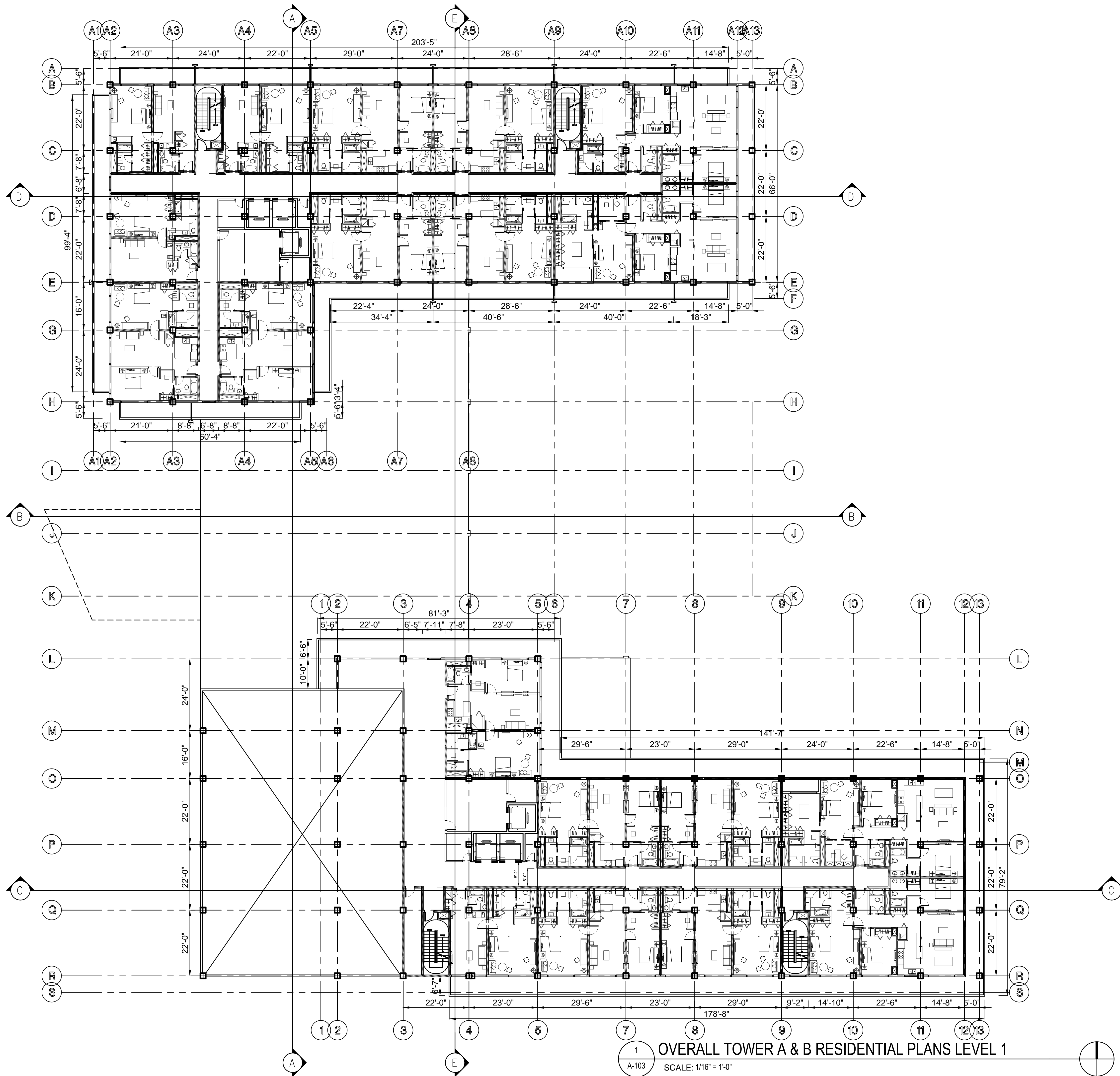
Firm Name and Address

GUAM WANFANG CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project	Sheet
PBM-3	A-102
Date	DEC 02, 2016
Scale	1/16" = 1'-0"



GENERAL NOTES .

- RESIDENTIAL UNITS 11
TOWER A
- RESIDENTIAL UNITS 8
TOWER B

NOT FOR CONSTRUCTION

ATTACHMENT 2



AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
TAMUNING, GUAM
(671) 649-6321

Firm Name and Address

Certification / Seal

I certify that this work was prepared by me
or under my direct supervision.

Sheet Content

OVERALL TOWER A & B RESIDENTIAL PLANS
LEVEL 1

Approved	Date	Revision/Issue	No.
	Oct. 22, 2016	GLUC Status Update	01.
	Dec. 02, 2016	GLUC Status Update Revision	02.

Firm Name and Address

GUAM WANFANG
CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project

PBM-3

Date

DEC 02, 2016

Scale

1/16" = 1'-0"

Sheet

A-103

Firm Name and Address

Certification / Seal

I certify that this work was prepared by me
or under my direct supervision.

TOWER A - RESIDENTIAL FLOOR LEVEL - 3,579.11
TYPE A BALCONY

Sheet Content

Approved	Date	Revision/Issue	No.
	Oct. 22, 2016	GLUC Status Update	01.
	Dec. 02, 2016	GLUC Status Update Revision	02.

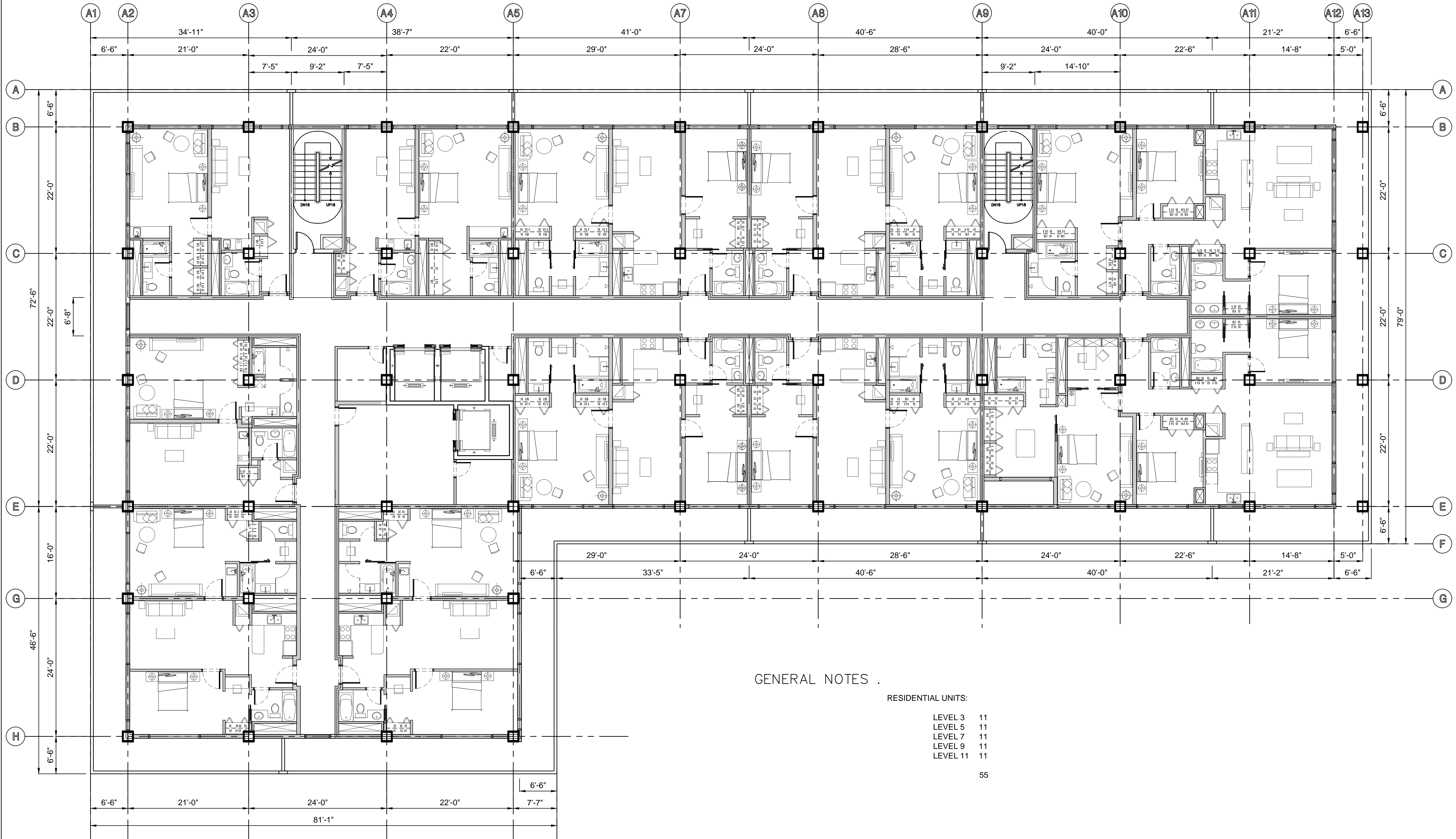
Firm Name and Address

**GUAM WANFANG
CONSTRUCTION**
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project	Sheet
PBM-3	
Date	
DEC 02, 2016	A-104
Scale	
1/8" = 1'-0"	



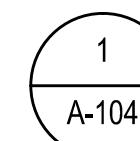
GENERAL NOTES .

RESIDENTIAL UNITS:

LEVEL 3	11
LEVEL 5	11
LEVEL 7	11
LEVEL 9	11
LEVEL 11	11

55

NOT FOR CONSTRUCTION



1 TOWER A RESIDENTIAL FLOOR LEVEL - TYPE A BALCONY

A-104 SCALE: 1/8" = 1'-0"

ATTACHMENT 2

Firm Name and Address

Certification / Seal

I certify that this work was prepared by me
or under my direct supervision.

TOWER A RESIDENTIAL FLOOR LEVEL - 24.68.10
TYPE B BALCONY

Sheet Content

Approved	Date	Revision/Issue	No.
	Oct. 22, 2016	GLUC Status Update	01.
	Dec. 02, 2016	GLUC Status Update Revision	02.

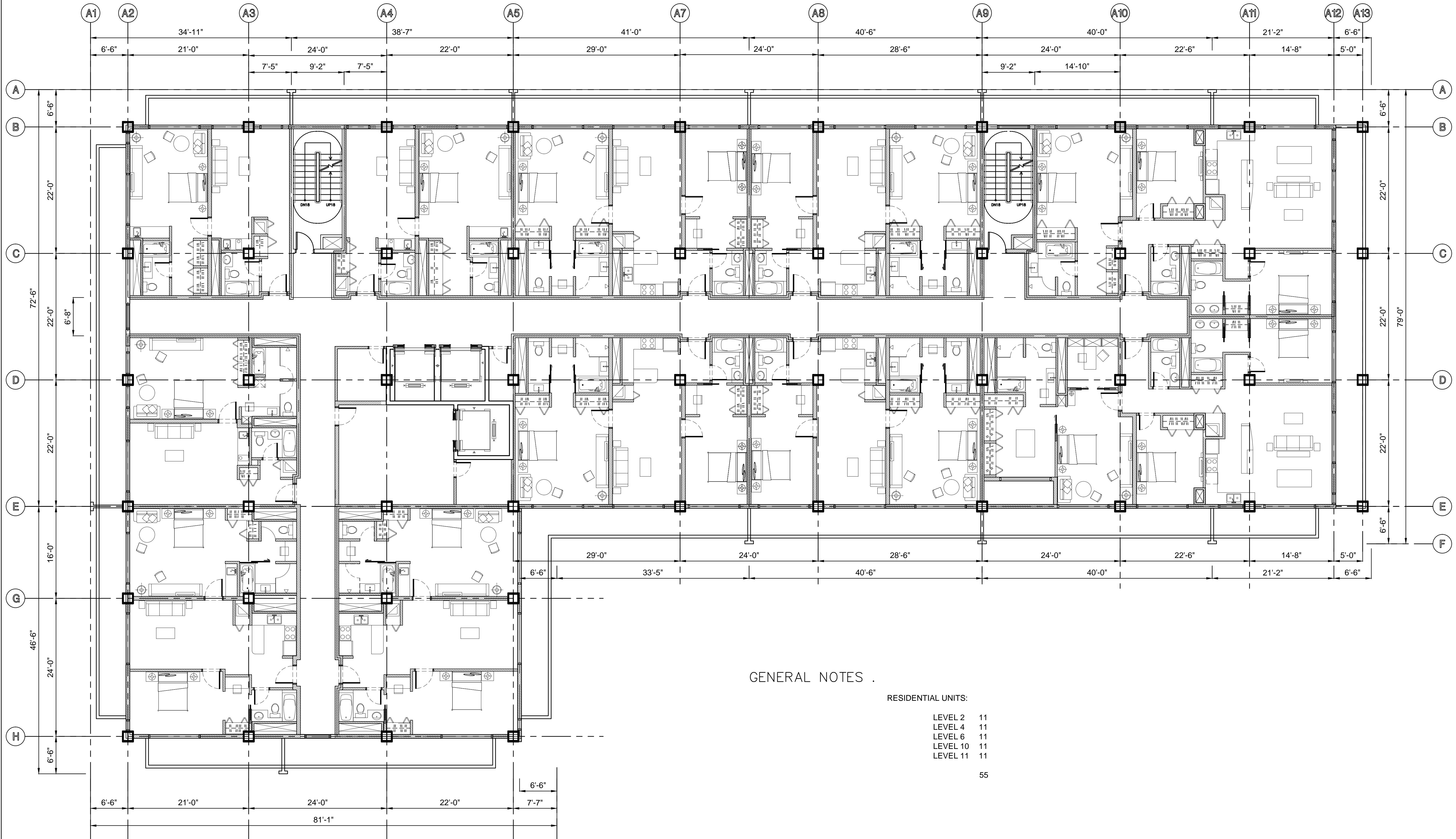
Firm Name and Address

**GUAM WANFANG
CONSTRUCTION**
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project	Sheet
PBM-3	
Date	
DEC 02, 2016	A-105
Scale	
1/8" = 1'-0"	



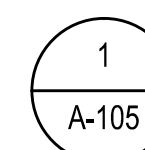
GENERAL NOTES .

RESIDENTIAL UNITS:

LEVEL 2	11
LEVEL 4	11
LEVEL 6	11
LEVEL 10	11
LEVEL 11	11

55

NOT FOR CONSTRUCTION



1 TOWER A RESIDENTIAL FLOOR LEVEL - TYPE B BALCONY

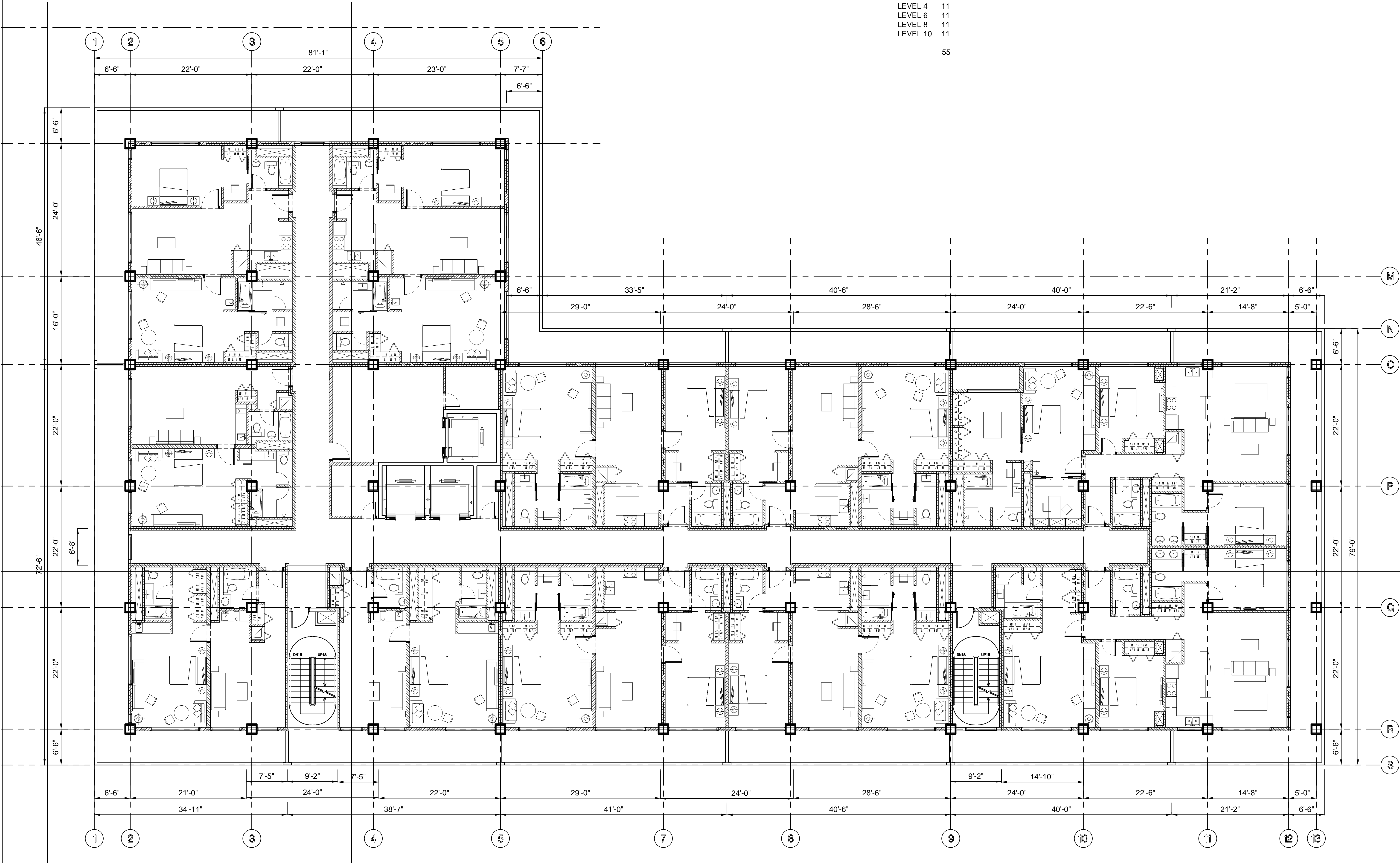
SCALE: 1/8" = 1'-0"

ATTACHMENT 2

GENERAL NOTES .

RESIDENTIAL UNITS:

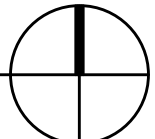
LEVEL 2	11
LEVEL 4	11
LEVEL 6	11
LEVEL 8	11
LEVEL 10	11
	55



1
A-106

TOWER B RESIDENTIAL FLOOR LEVEL - TYPE A BALCONY
SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION



ATTACHMENT 2



AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
TAMUNING, GUAM
(671) 649-6321

Firm Name and Address

Certification / Seal

I certify that this work was prepared by me
or under my direct supervision.

Sheet Content

No.	Revision/Issue	Date	Approved
01.	GLUC Status Update	Oct. 22, 2016	
02.	GLUC Status Update Revision	Dec. 02, 2016	

Firm Name and Address

GUAM WANFANG
CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project

PBM-3

Date

DEC 02, 2016

Scale

1/8" = 1'-0"

Sheet

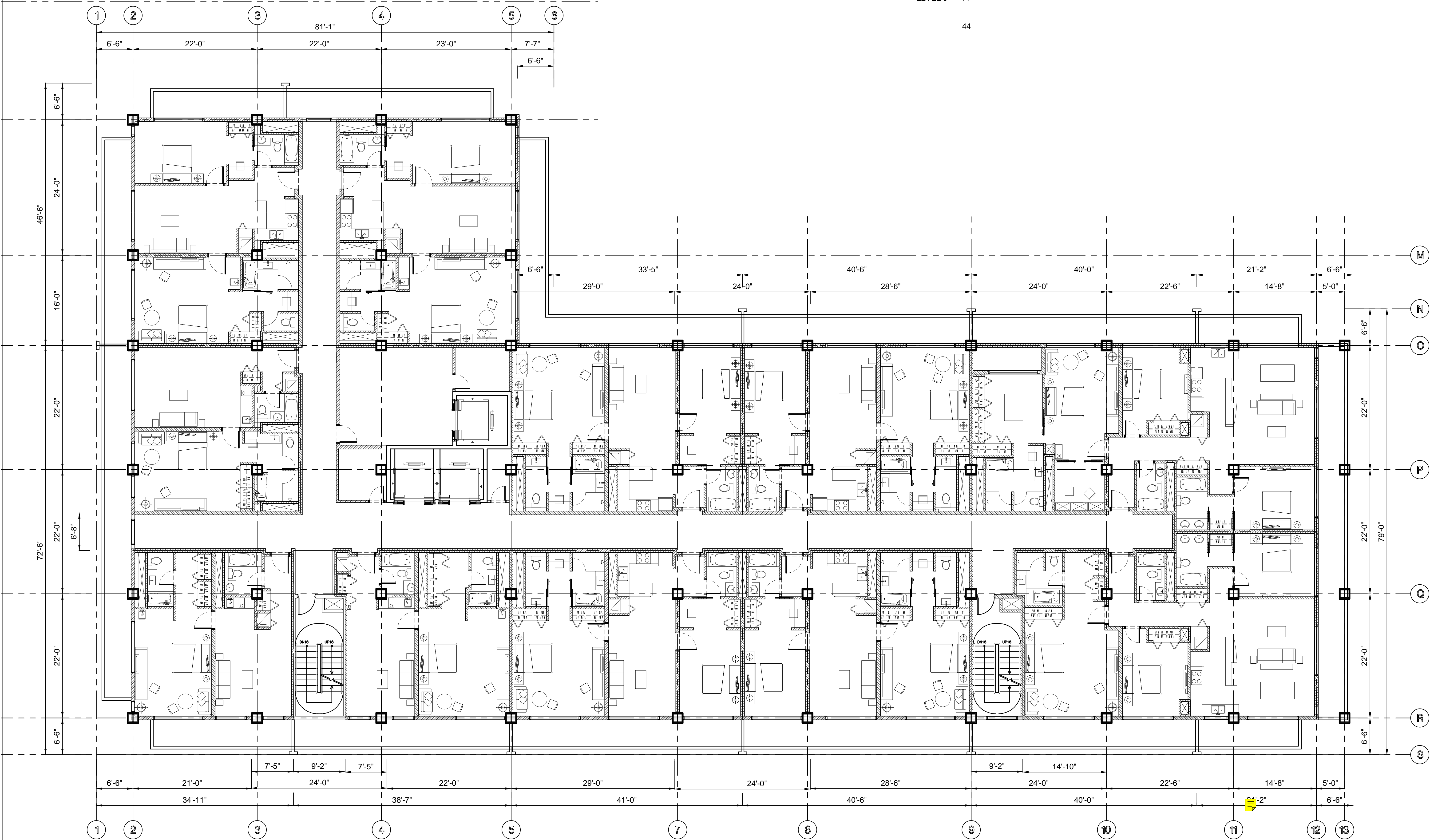
A-106

GENERAL NOTES .

RESIDENTIAL UNITS:

LEVEL 3 11
LEVEL 5 11
LEVEL 7 11
LEVEL 9 11

44



1
A-107

TOWER B RESIDENTIAL FLOOR LEVEL - TYPE B BALCONY

SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION



ATTACHMENT 2



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PMB 236, STE 101
1270 N MARINE CORPS DR.
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Project Name and Address

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YONA, GUAM
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Tamuning, Guam

Project

PBM-3

Date

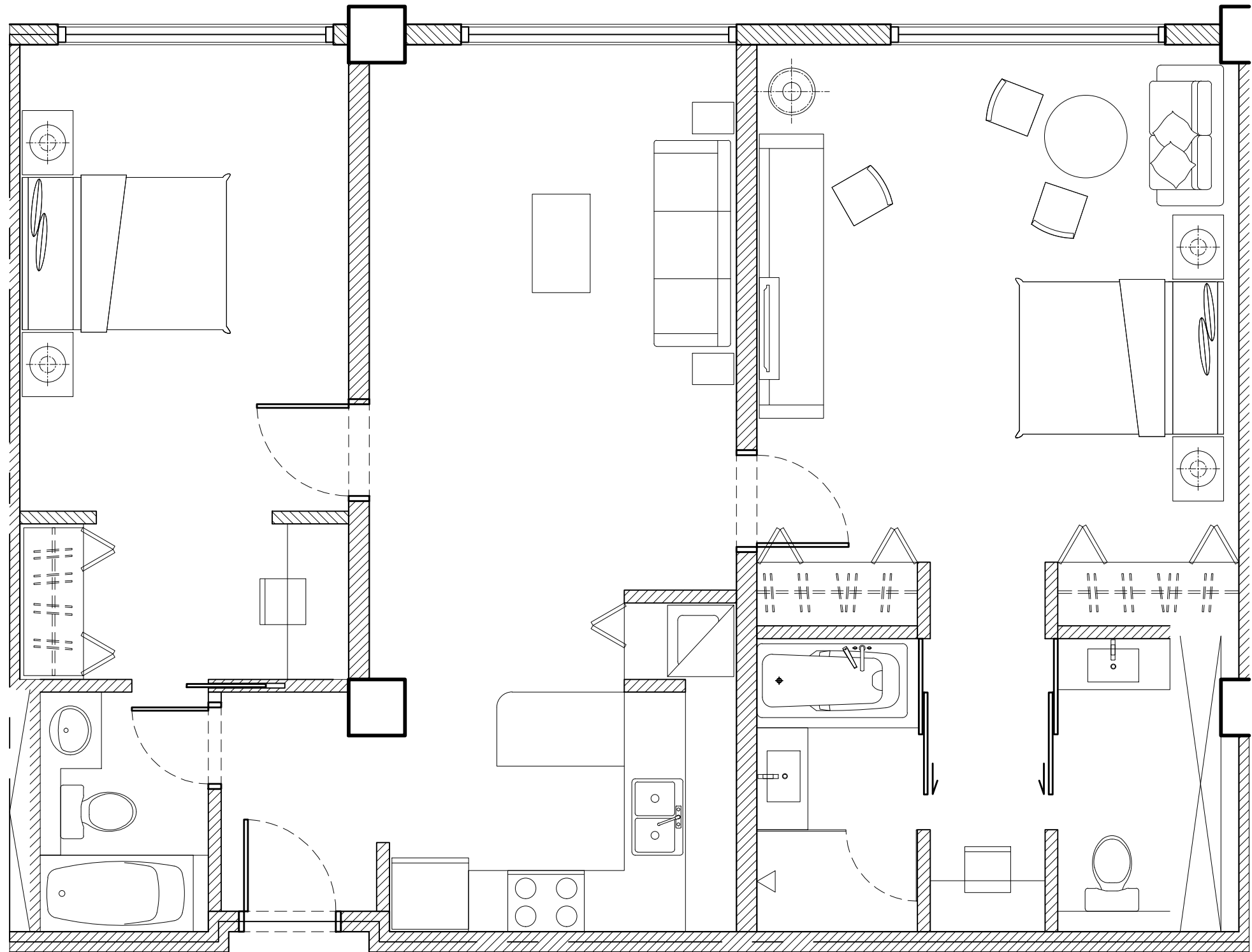
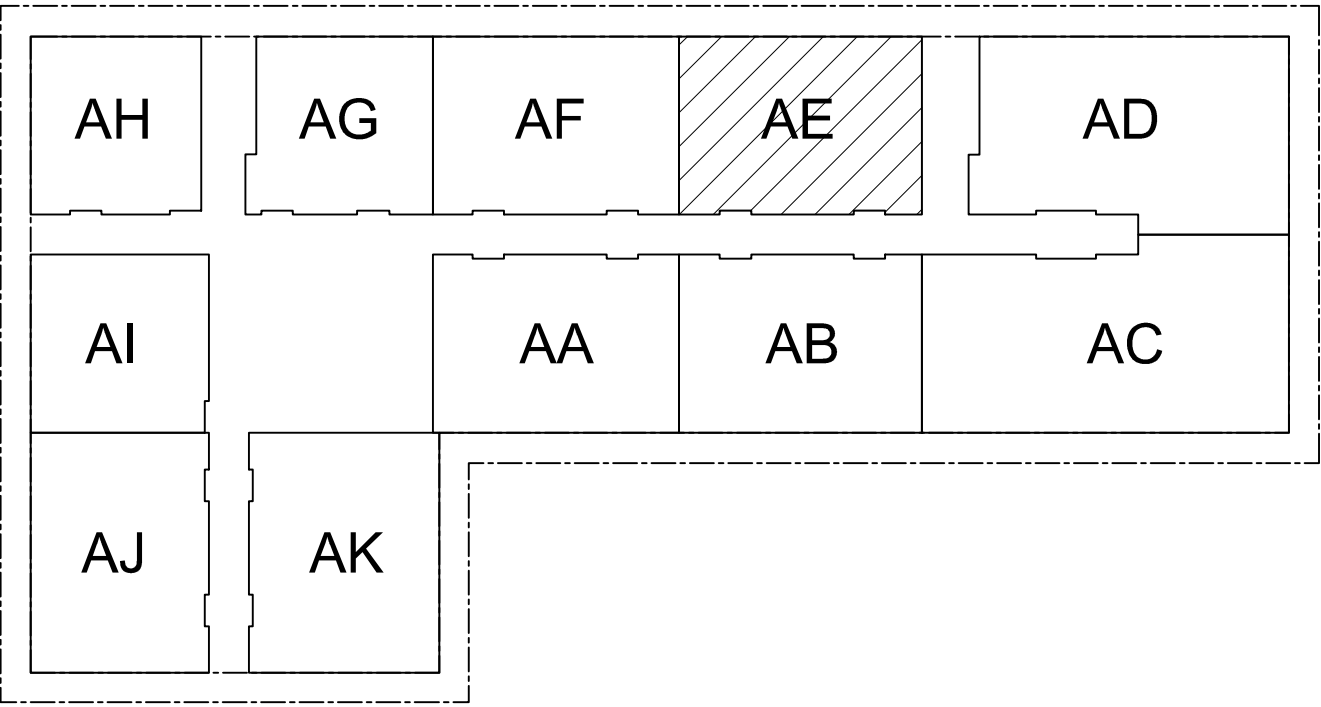
DEC 02, 2016

Scale

1/8" = 1'-0"

Sheet

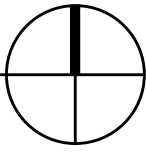
A-107



1
A-405

ENLARGED PLAN : TYPE AE

SCALE: 1/4" = 1'-0"



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GENERAL NOTES .

Sheet Content

ENLARGED PLAN :
TYPE AE

Approved	Date	Revision/Issue	No.					
	Oct. 22, 2016	GLUC Status Update	01.					
	Dec. 02, 2016	GLUC Status Update Revision	02.					

Firm Name and Address

GUAM WANFANG
CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project

PBM-3

Date

DEC 02, 2016

Scale

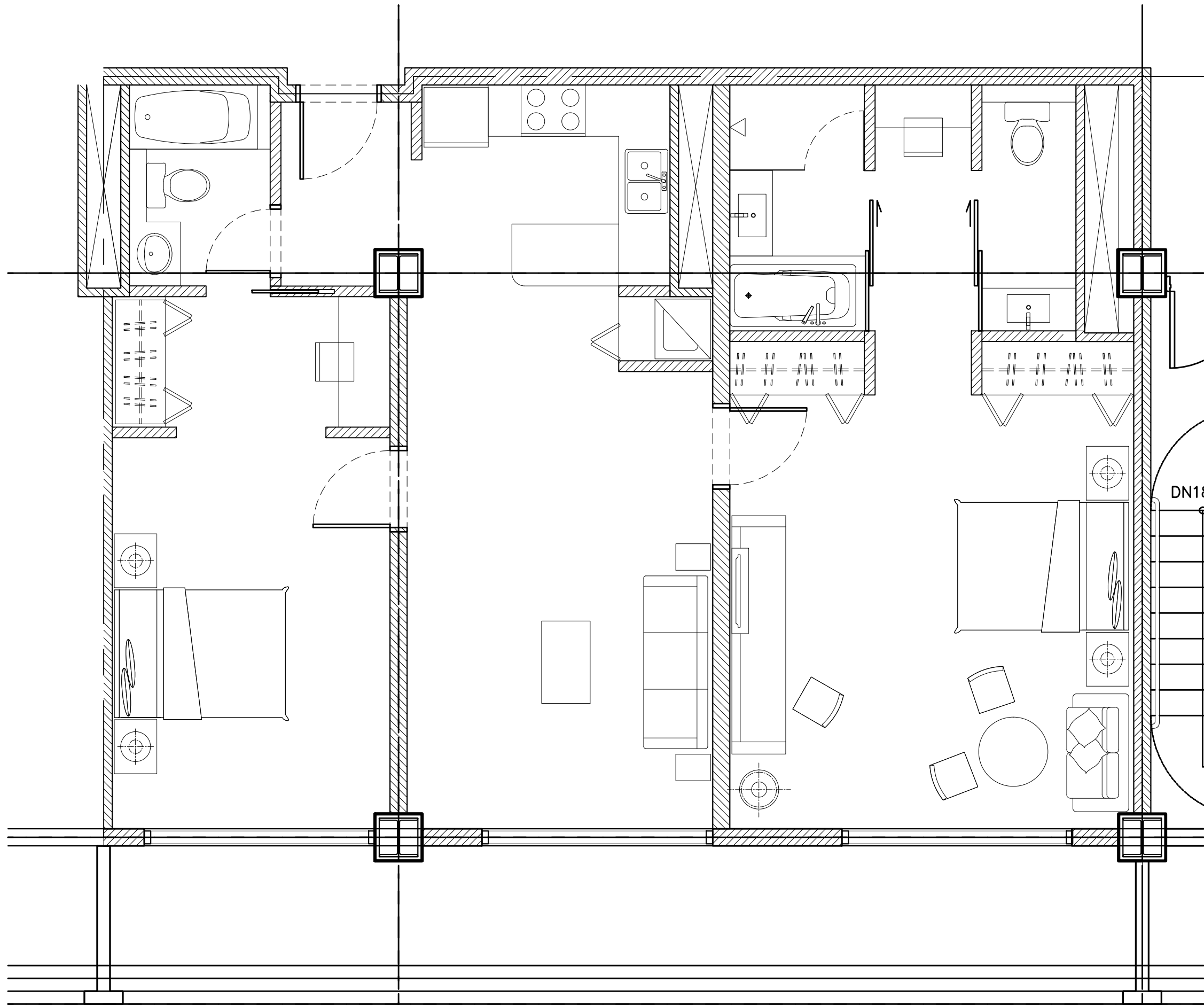
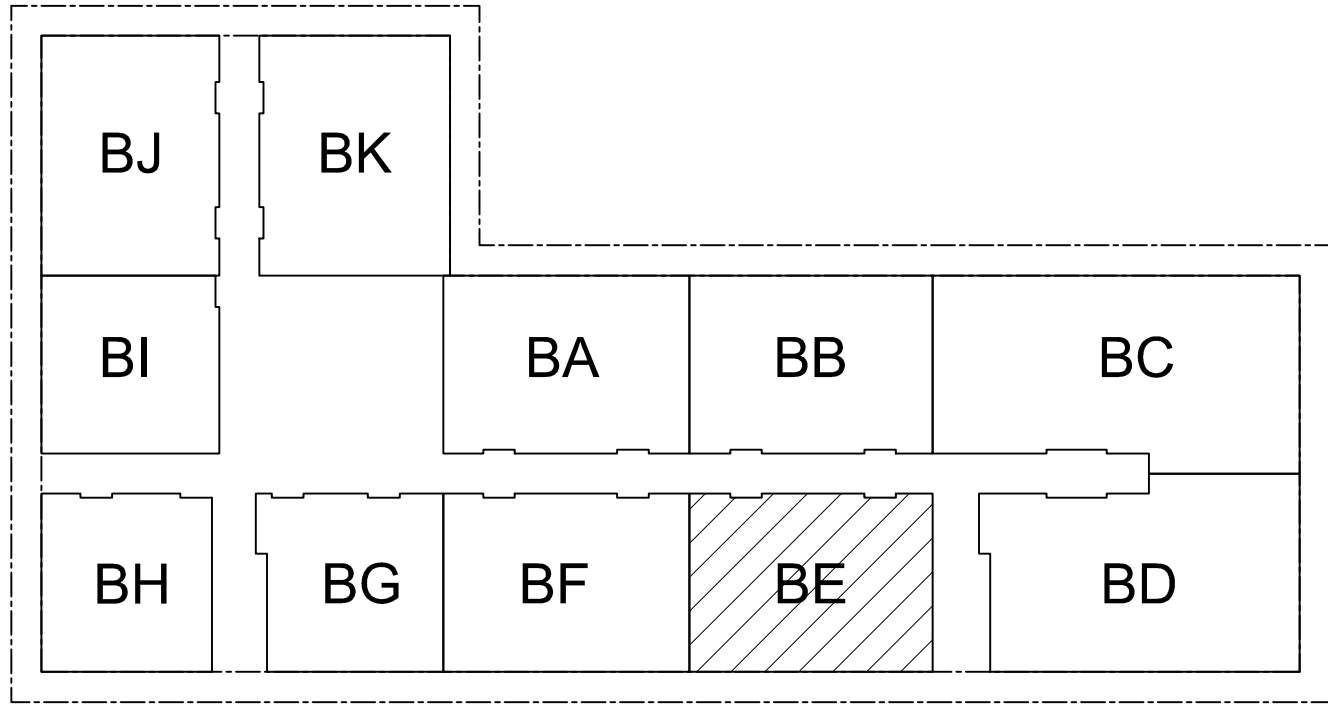
1/4" = 1'-0"

Sheet

A-405

NOT FOR CONSTRUCTION

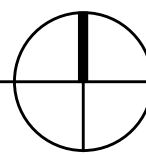
ATTACHMENT 2



1
A-416

ENLARGED PLAN : TYPE BE

SCALE: 1/4" = 1'-0"



AES CONSTRUCTION
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GENERAL NOTES .

Sheet Content

ENLARGED PLAN :
TYPE BE

No.	Revision/Issue	Date	Approved
01.	GLUC Status Update	Oct. 22, 2016	
02.	GLUC Status Update Revision	Dec. 02, 2016	

Firm Name and Address

GUAM WANFANG
CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project

PBM-3

Date

DEC 02, 2016

Scale

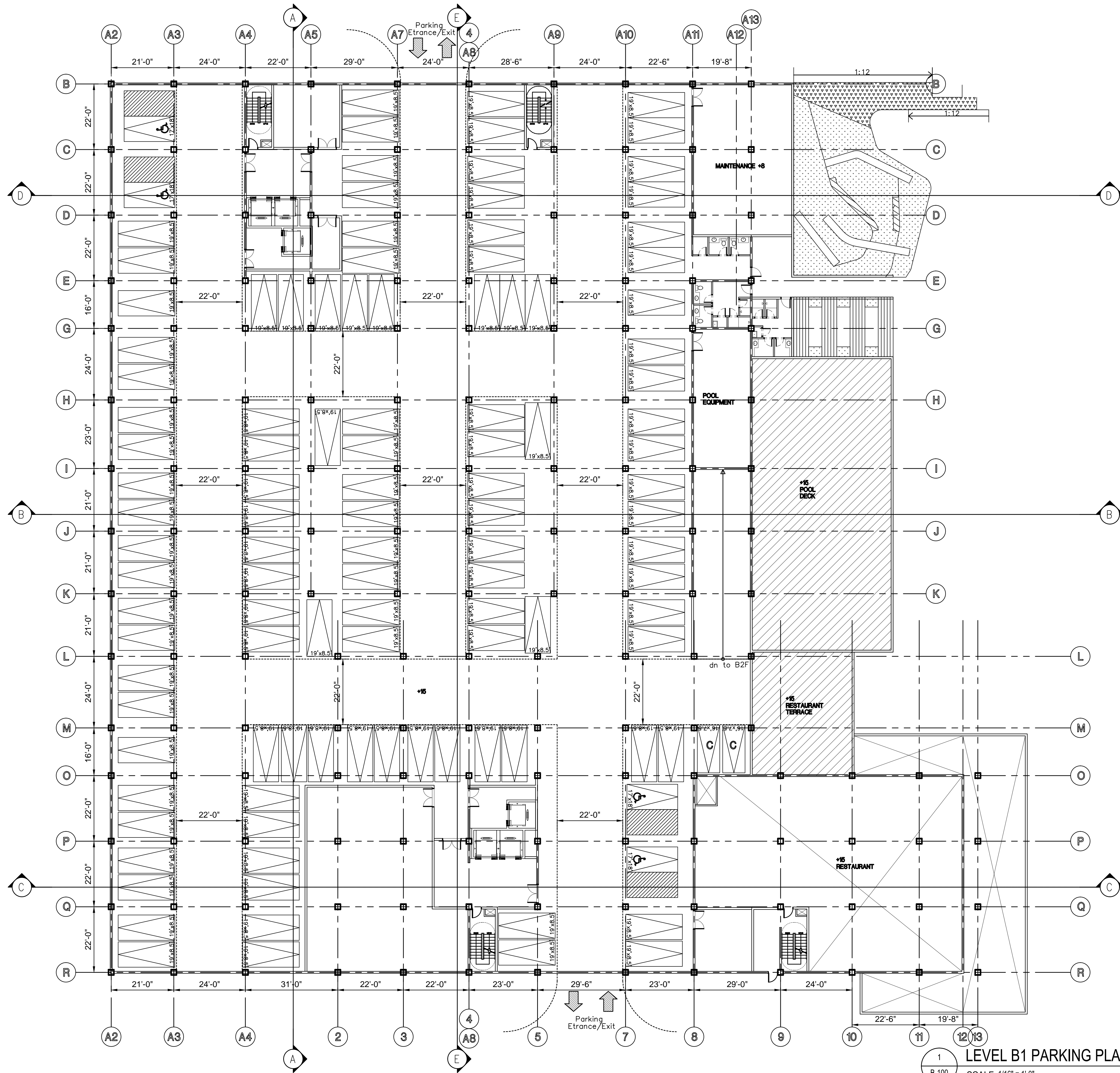
1/4" = 1'-0"

Sheet

A-416

NOT FOR CONSTRUCTION

ATTACHMENT 2

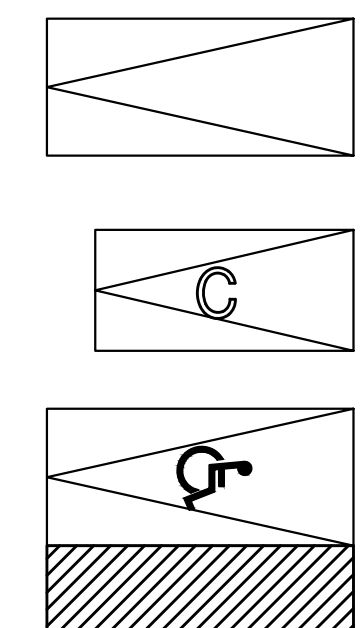


GENERAL NOTES .

PARKING COUNT:	
FULL SIZE	108
COMPACT	2
ADA PARKING	4
TOTAL	114

LEGEND

FULL SIZE 8.5 FT X 19 FT
COMPACT SIZE 7.5 FT X 16 FT
HANDICAP 7.5 FT X 17 FT



NOT FOR CONSTRUCTION

1
B-100
LEVEL B1 PARKING PLAN
SCALE: 1/16" = 1'-0"

ATTACHMENT 3

AES
AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
TAMUNING, GUAM
(671) 649-6321

Firm Name and Address

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Sheet Content

Approved	Date	Revision/Issue	No.
	Oct. 22, 2016	GLUC Status Update	01.
	Dec. 02, 2016	GLUC Status Update Revision	02.

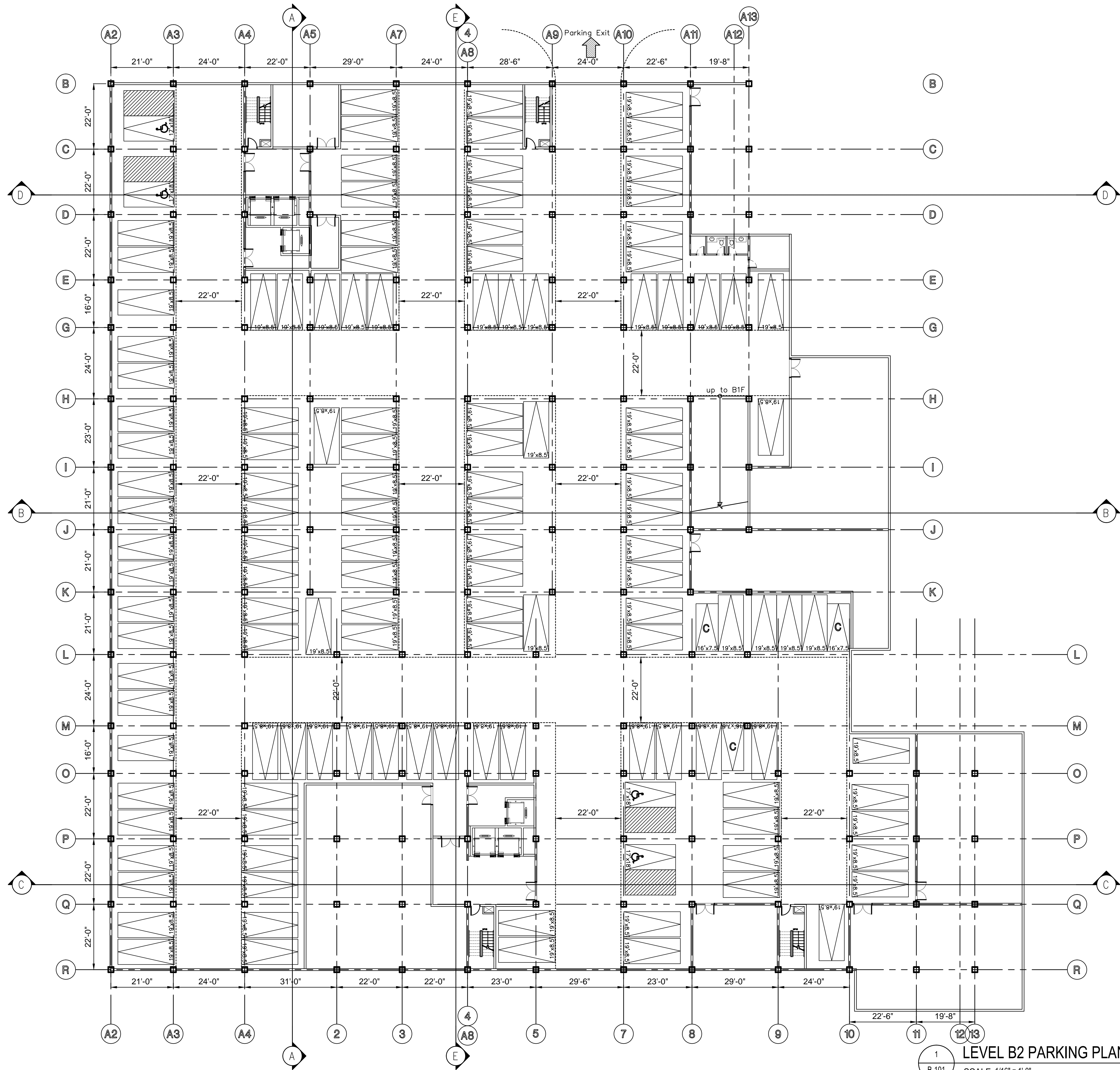
Firm Name and Address

**GUAM WANFANG
CONSTRUCTION**
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project PBM-3	Sheet
Date DEC 02, 2016	B-100
Scale 1/16" = 1'-0"	



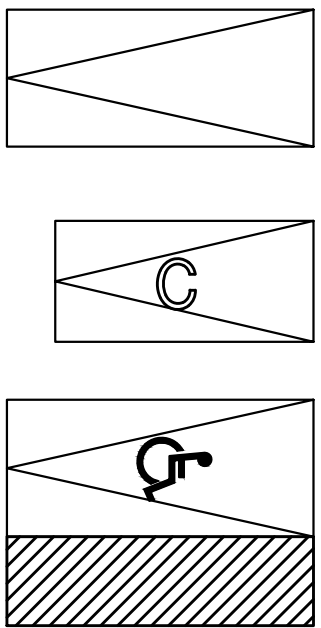
GENERAL NOTES .

PARKING COUNT:

FULL SIZE	127
COMPACT	3
ADA PARKING	4
TOTAL	134

LEGEND

FULL SIZE 8.5 FT X 19 FT
COMPACT SIZE 7.5 FT X 16 FT
HANDICAP 7.5 FT X 17 FT



1
B-101
LEVEL B2 PARKING PLAN
SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION
ATTACHMENT 3



AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
TAMUNING, GUAM
(671) 649-6321

Firm Name and Address

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Sheet Content

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	Dec. 02, 2016	GLUC Status Update Revision	02.

Firm Name and Address

GUAM WANFANG
CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project

PBM-3

Date

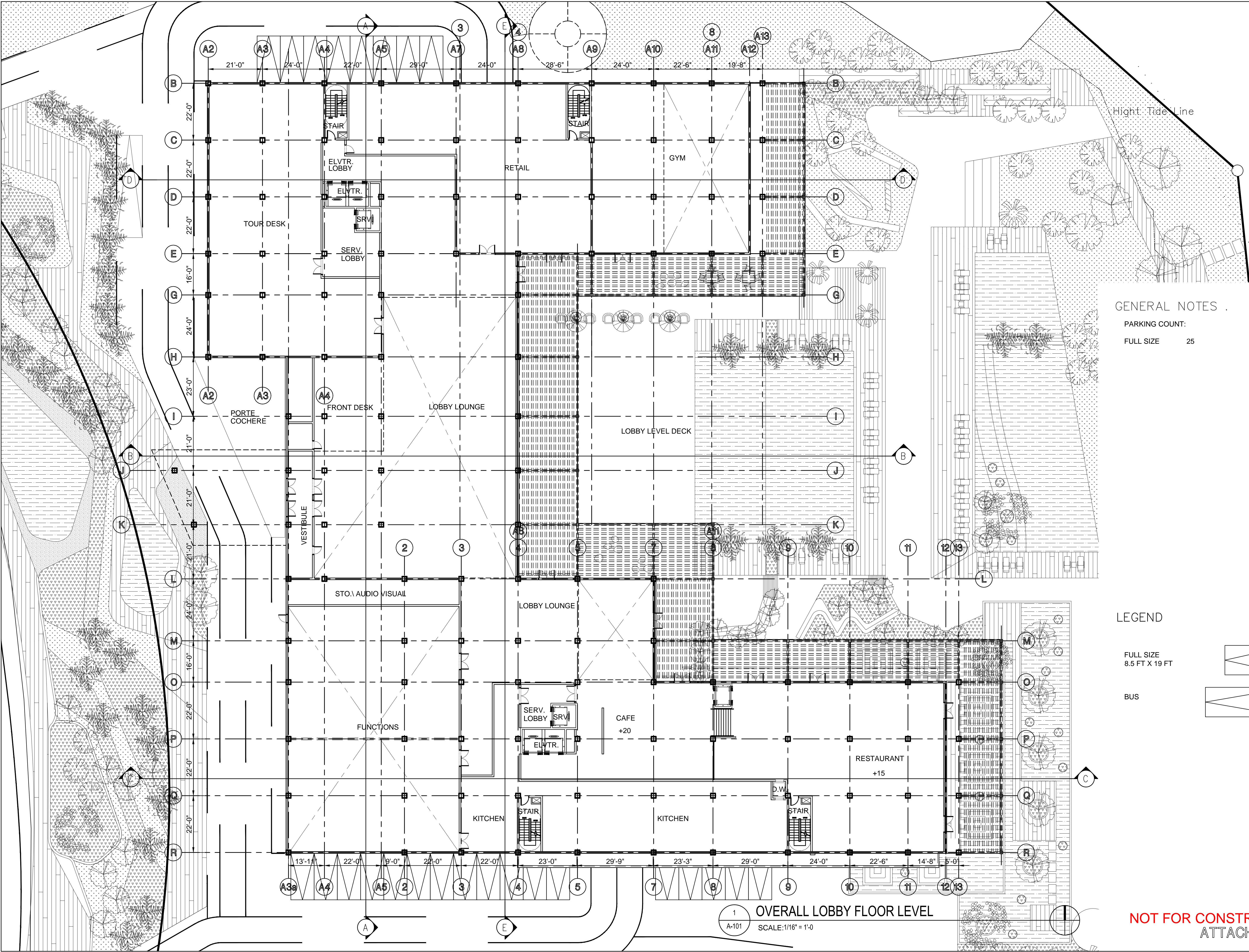
DEC 02, 2016

Scale

1/16" = 1'-0"

Sheet

B-101



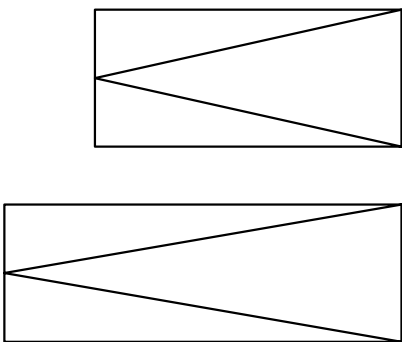
GENERAL NOTES

PARKING COUNT:
FULL SIZE 25

LEGEND

FULL SIZE
8.5 FT X 19 FT

BUS



1 OVERALL LOBBY FLOOR LEVEL

A-101 SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION
ATTACHMENT 3



AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
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OVERALL LOBBY FLOOR LEVEL

Sheet Content

No.	Revision/Issue	Date	Approved
01.	GLUC Status Update	Oct. 22, 2016	
02.	GLUC Status Update Revision	Dec. 02, 2016	

Firm Name and Address

GUAM WANFANG
CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project

PBM-3

Date

DEC 02, 2016

Scale

1/16" = 1'-0"

Sheet

A-101



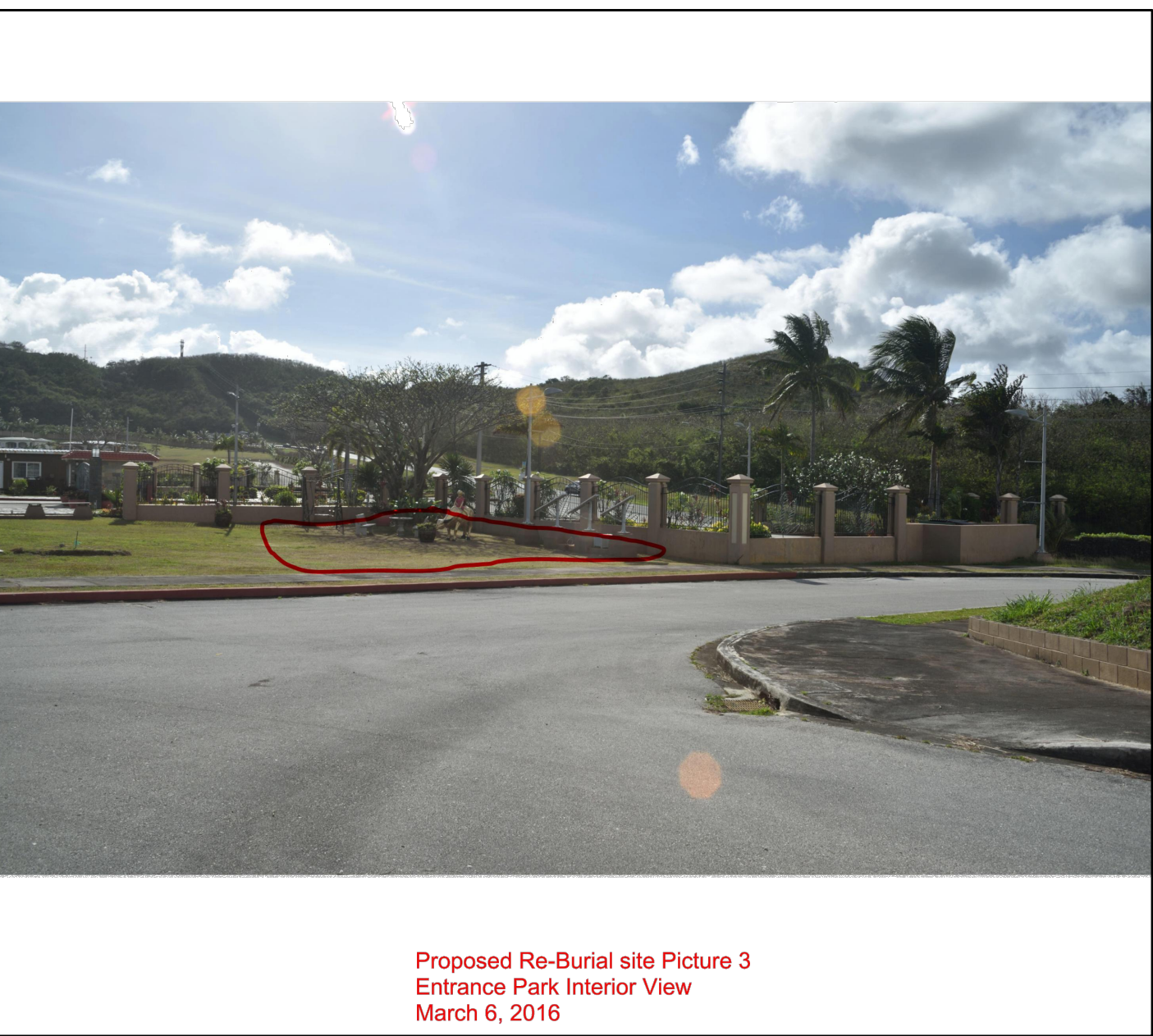
Proposed Re-Burial site
Entrance Park Area
March 6, 2016

VIEW 1



Proposed Re-Burial site Picture 2
Entrance Park Area
March 6, 2016

VIEW 2



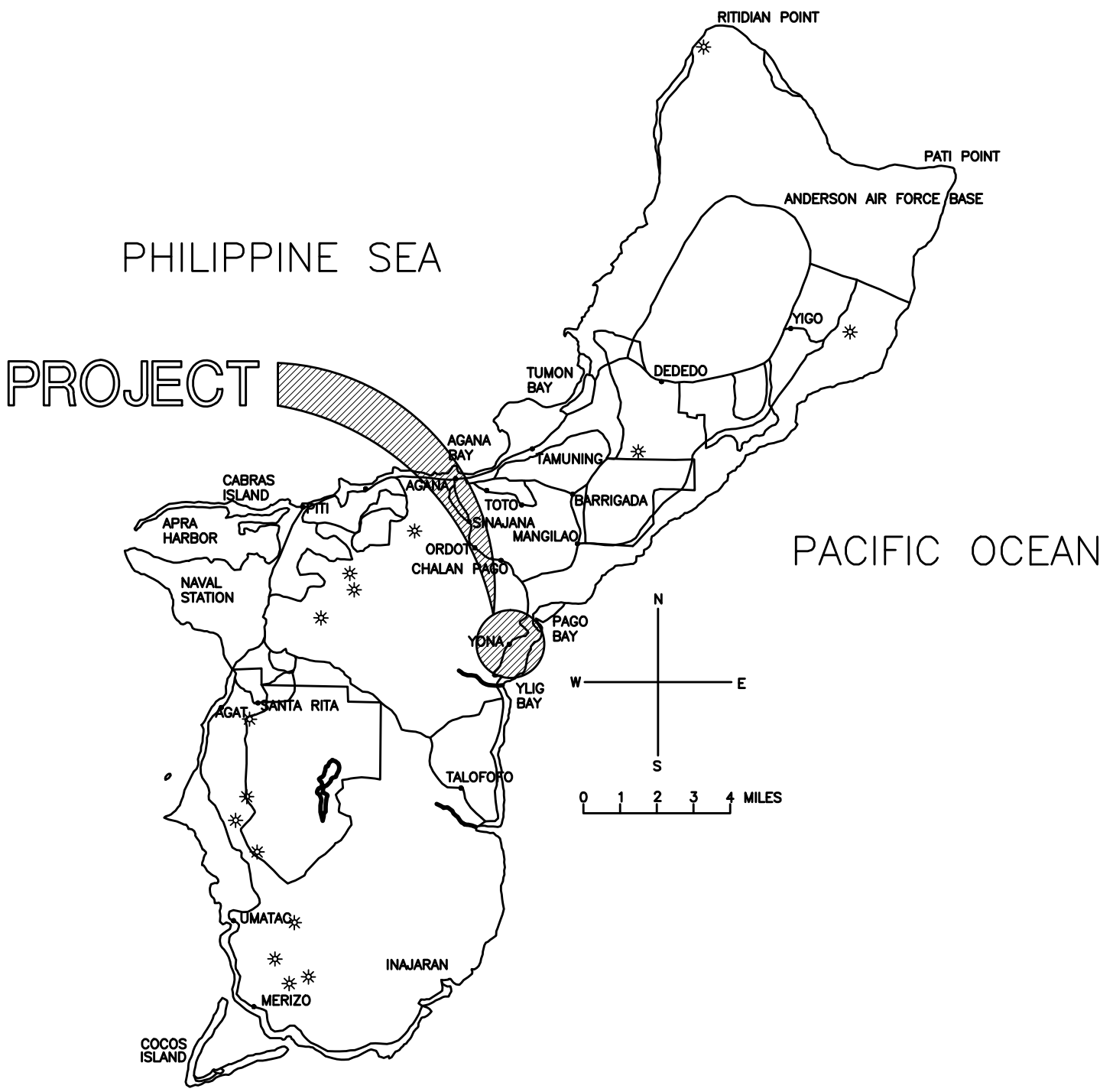
Proposed Re-Burial site Picture 3
Entrance Park Interior View
March 6, 2016

VIEW 3

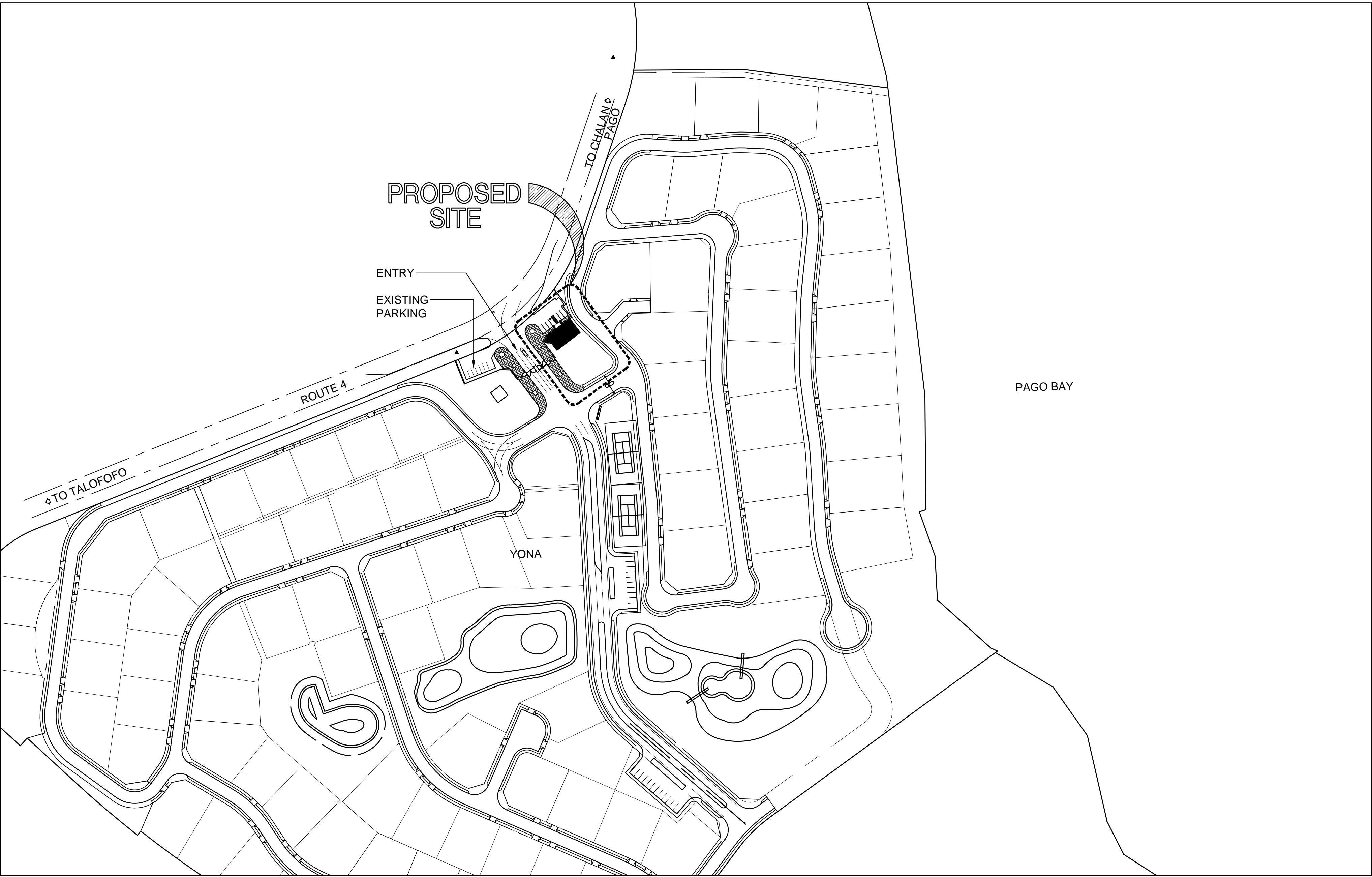


Proposed Re-Burial site Picture 4
Beach Access Parking Area & Side Interior View
March 6, 2016

VIEW 4



1 LOCATION MAP
AS-1 SCALE:N.T.S.



2 VICINITY MAP
AS-1 SCALE:1:1500

NOT FOR CONSTRUCTION
ATTACHMENT 4

AES
AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
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(671) 649-6321

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PROJECT LOCATION MAP, VICINITY PLAN
EXISTING SITE PHOTOGRAPHIC IMAGE

Sheet Content

Approved	Date	Revision/Issue	CLUC Status	Update	Revision	No.
	12/02/2016					02.

Firm Name and Address

GUAM WANFANG CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 98913

Project Name and Address

**PROPOSED GEOLOGICAL
RE-BURIAL SITE
PAGO BAY LAGUNA RESORT**

YONA,

GUAM

Project

PBM-3

Date

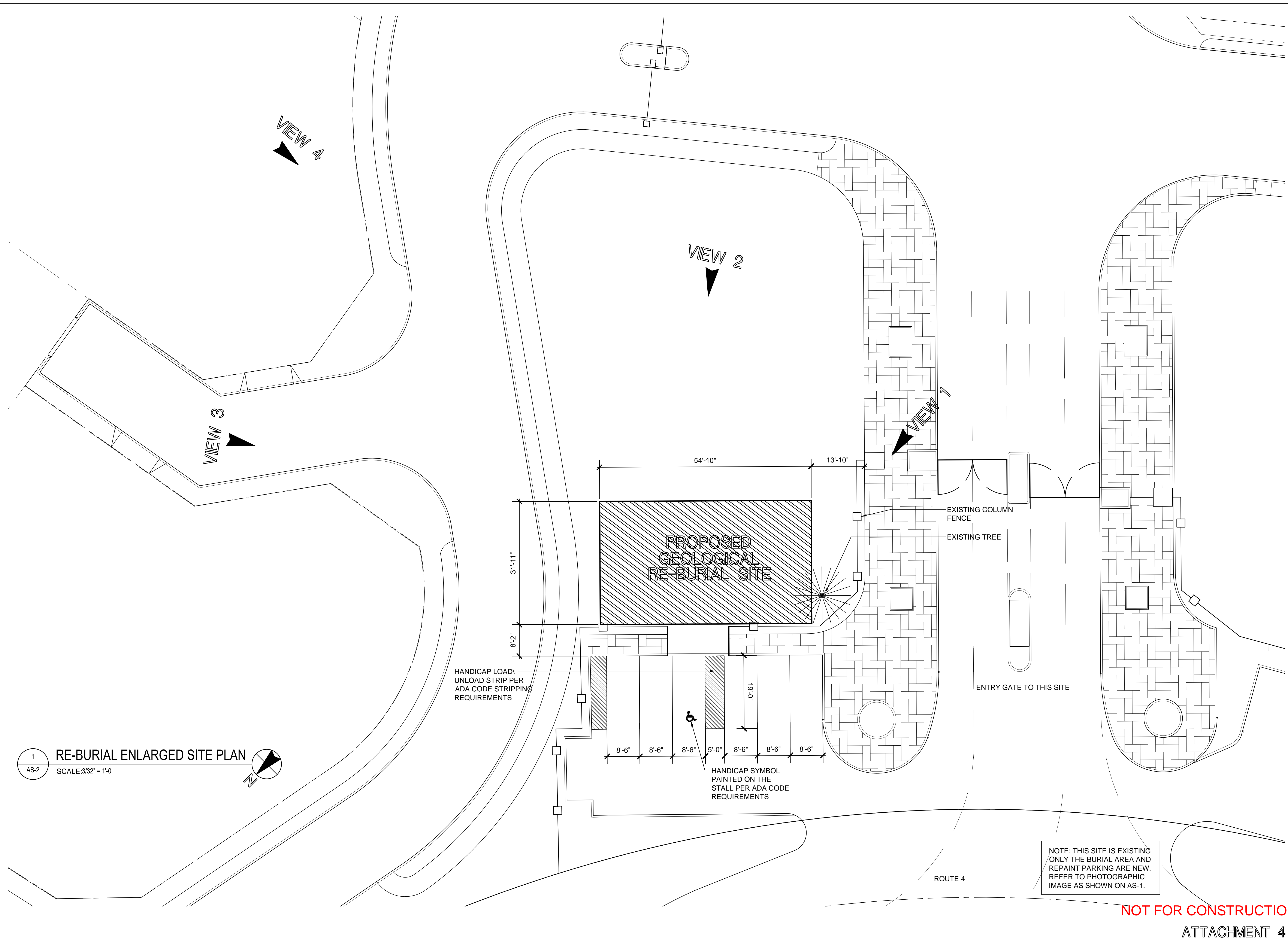
DEC. 02, 2016

Scale

AS SHOWN

Sheet

AS-1



1 RE-BURIAL ENLARGED SITE PLAN
AS-2 SCALE: 3/32" = 1'-0"

NOTE: THIS SITE IS EXISTING
ONLY THE BURIAL AREA AND
REPAINT PARKING ARE NEW.
REFER TO PHOTOGRAPHIC
IMAGE AS SHOWN ON AS-1.

NOT FOR CONSTRUCTION
ATTACHMENT 4

AES CONSTRUCTION
PMB 236, STE 101
1270 N MARINE CORPS DR.
TAMUNING, GUAM
(671) 649-6321

Firm Name and Address

Certification / Seal

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Sheet Content

Approved	Date	Revision/Issue	CLUC Status	Update	Revision	No.	02.
	12/02/2016						

Firm Name and Address

GUAM WANFANG CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 98913

Project Name and Address

**PROPOSED GEOLOGICAL
RE-BURIAL SITE
PAGO BAY LAGUNA RESORT**

Project	YONA,	Sheet
PBM-3	GUAM	
Date		
DEC. 15, 2016		
Scale		
AS SHOWN		

AS-2



NOTES:

1. HORIZONTAL CONTROLS WERE BASED ON GGN 2385 AND GGN 2394 WITH THE FOLLOWING COORDINATES.

GGN 2385	GGN 2394
N 628,615.5257	N 625,134.0941
E 339,430.0913	E 340,023.1196
2. VERTICAL CONTROL WAS BASED ON GGN 2385 WITH AN ELEVATION OF 10.17 FEET (MSL)
3. BEARINGS AND DISTANCES AND COORDINATES OF PROPERTY CORNERS AND PROPERTY LINES ARE ALL RECORD DATA, ALL OTHERS WERE BASED ON 1993 GRID AND OF ACTUAL FIELD CONDITIONS.
4. ALL DISTANCES AND ELEVATIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
5. FIELDWORK WAS DONE ON JUNE 2015, USING ELECTRONIC MEASURING INSTRUMENTS.

REFERENCES:

1. WETLAND SURVEY MAP OF LOT 155 NEW-R1, MUNICIPALITY OF YONA, PREPARED BY PLS # 62.
2. LOT PARCELING SURVEY MAP OF LOT 164-4NEW, MUNICIPALITY OF YONA,
PREPARED BY PLS # 64, DOC. # 803628.

Firm Name and Address

Certification / Seal

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or under my direct supervision.

WETLAND & HIGH WATER MARK SETBACK

[illegible]

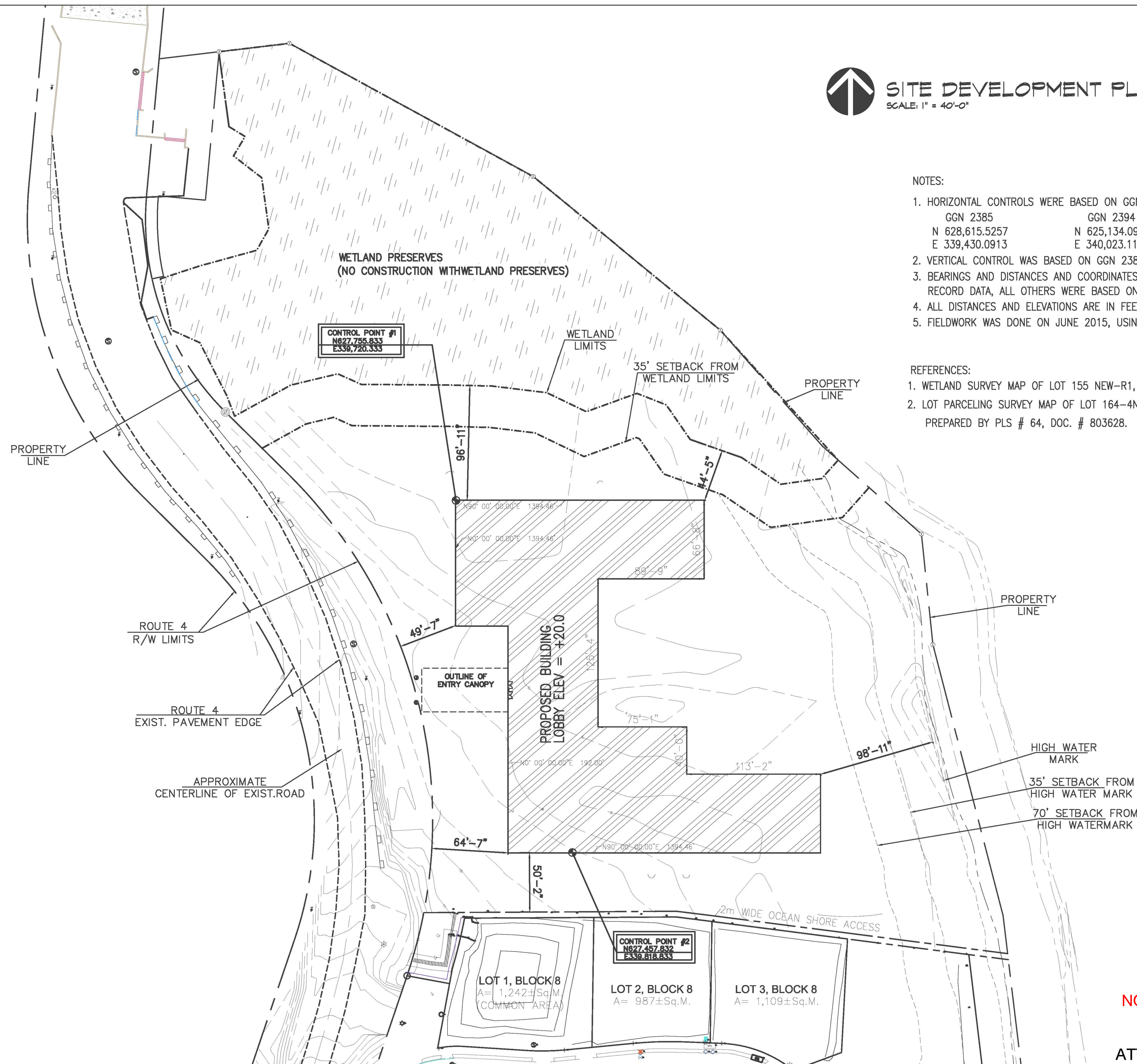
Firm Name and Address

**GUAM WANFANG
CONSTRUCTION**
108 SUNNY Plaza
5 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

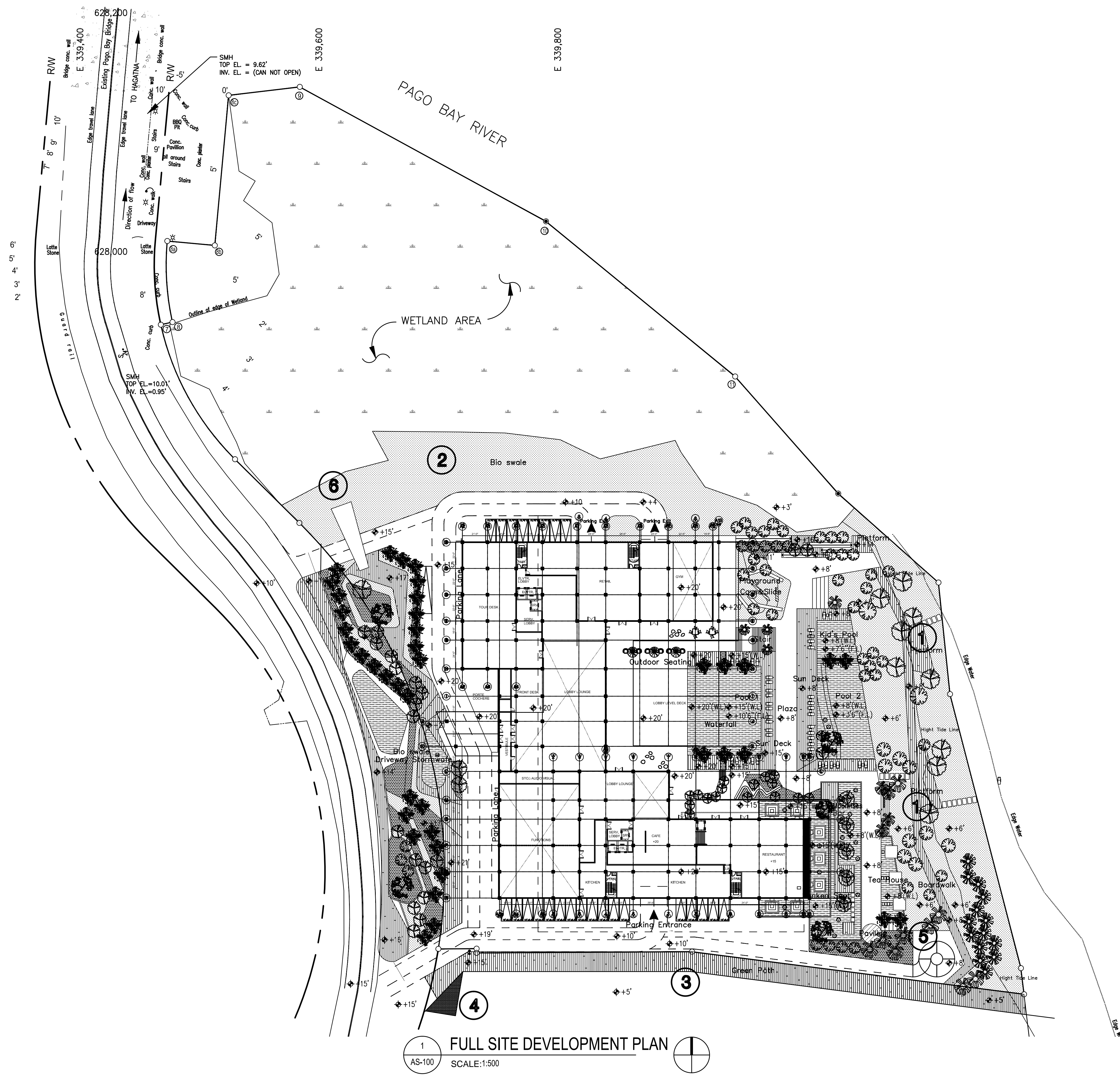
PAGO BAY RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project PEM-3	Sheet
Date DEC 10, 2016	C-2
Scale 1" = 40'-0"	




NOT FOR CONSTRUCTION

ATTACHMENT 5, ARMY CORPS



KEY NOTES .

- SITE FEATURE**
- 1 BOARDWALK, VIEWING PLATFORMS ON 75 FT SETBACK. VEGETATIVE BARRIER. BIO SWALE DESIGN.
 - 2 BIO SWALE ON 35 FEET VEGETATIVE BARRIER
 - 3 BEACH ACCESS
 - 4 PUBLIC BEACH. ACCESS PARKING.
 - 5 PUBLIC EMERGENCY VEHICLE TURN AROUND.
 - 6 DPW STORM WATER DISCHARGE



AES CONSTRUCTION
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FULL SITE DEVELOPMENT PLAN

Sheet Content

Approved	Date	Revision/Issue	No.
	Oct. 22, 2016	GLUC Status Update	01.
	Dec. 02, 2016	GLUC Status Update Revision	02.

Firm Name and Address

GUAM WANFANG CONSTRUCTION
108 SUNNY Plaza
125 Tun Jesus Crisostomo St.
Tamuning, Guam 96913

Project Name and Address

PAGO BAY OCEAN RESORT
YONA, GUAM
Suite 201, Tun Jesus Crisostomo St.
Tamuning, Guam

Project	Sheet
PBM-3	AS-100
Date DEC 02, 2016	
Scale 1:500	



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

December 1, 2016

SUBJECT: Permit Requirements for the Pago Bay Marina Resort; DA File No. POH-2007-00184

Pago Bay Resorts, LLC
Suite 201
Tun Jesus Crisostomo Street
Tamuning, Guam 96913

Pago Bay Resorts, LLC Representatives:

In response to my September 8, 2016 letter, I met with your project designers, Mr. John Sherman and Ms. Barbara Burkhardt of AES Designers, on October 20, 2016, to discuss the preliminary project design and Department of the Army (DA) permit requirements for the proposed Pago Bay Marina Resort to be located on Lot No. 164-4NEW-1 along Route 4 and adjacent to Pago Bay in Yona, Guam.

Based upon our discussions and review of the preliminary project plans, portions of the project may require a DA permit pursuant to Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10).

It was my understanding at the end of the meeting that the project plans were still in development, but AES Designers intended to keep the Corps engaged during the planning process and would apply for any necessary DA permits when it was appropriate to do so.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions, please contact me via telephone at (671) 339-2108 or via e-mail at Katy.R.Damico@usace.army.mil.

Sincerely,

Katy R. Damico
Project Manager
Guam Regulatory Field Office

cc:
Ms. Barbara Burkhardt, AES

Pago Bay Ocean Resort Development December 2016 Status Update

Prepared for:

Guam Land Use Commission
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932

Prepared by:

AES Construction, Inc. (Owner Representative)
Wangfang Construction, Ltd. (Owner/ Developer)
Sunny Plaza, Unit 305
125 Tun Jesus Crisostomo Street
Tamuning, Guam

Lot 164-4NEW-1 – Municipality of Yona
Application No. 2015-29B

About the Status Update

The Guam Land Use Commission (GLUC) issued a **Notice of Action (NOA) dated May 3, 2016 with "Approval with Conditions"** for the Pago Bay *Ocean* Resort Development (Application No. 2015-29B). In response to the Conditions of Approval listed in the NOA, AES Construction, Inc. (representing the Owner, Guam Wangfang Construction, Ltd.) provides this written status update outlining specific progress toward compliance.

Abbreviations

Agency Abbreviations

This column indicates which agency put forth the corresponding condition of approval. If more than one agency made near-identical conditions, they were combined. Conditions were prepared by members of **ARC**.

ARC – Application Review Committee	GEPA – Guam Environmental Protection Agency
BSP – Bureau of Statistics & Plans	GLUC – Guam Land Use Commission
Department of Agriculture (No comments provided)	GPA – Guam Power Authority
DPR – Department of Parks & Recreation	GWA – Guam Waterworks Authority
DPW – Department of Public Works	

Reference Abbreviations

Reference to **NOA** – Notice of Action

Reference to **DLM** – Department of Land Management

Time Frame Abbreviations/ Schedule

The Time Frame column is referenced in the Status Update Attachment 6. The following is the tentative Schedule for Pago Bay Ocean Resort. *Each phase requires the Owner/ Developer Approval before proceeding. Final Approval by the Authorities under DPW Permit is also an estimated duration. Delays in the Schedule are a Normal Shift in date during Design, Construction Documentation and Permitting and Construction.*

SD – Schematic Design (Early Design Phase describing the Basic Components of the Project)
Completed December 2, 2016

Reburial – January Final Coordination with Parks & Recreation, Reburial Ceremony
Scheduled for March 2017. Design Presentation to GLUC Board January 12, 2017.

DD – Design Development (Later Design Phase bringing including Building Engineers.) On
Going, Completion estimate Mid-February 2017

Grading Permit for Highway Work– Submission to DPW & Department of Highways, March

2017. Temporary Access to Project through DPW Easement Right of Way and remediation of abandoned DPW works in Easement will be described.

Grading Permit to Protect Wetlands from Construction Work– Submission to DPW & Army Corps of Engineers, March 2017. Vegetative Barrier and Construction Sedimentation Barriers will be described. Phased Protection Plan during construction will be described.

CD – Construction Documents (Final Architectural and Engineering Documentation, submitted for permitting) 3 Months beginning Mid February 2017.

Permit – Submission Mid May, 8 – 12 week duration

CA – Construction Administration, Upon receipt of Permit 18 month duration: Occupancy Permit and Contract Closeout an additional 6 months.

Operations – Post-construction

Eco-green

At least one reviewing agency referenced a desire to see “eco-green” principles incorporated into the project. Both the Owner and AES are committed to such goals. The Draft 2015 Guam Energy Code and Leadership in Energy and Environmental Design (LEED) principles are being used as guidelines for defining “eco-green” and crafting a green basis of design. This column indicates which Conditions of approval are consistent with such principles.

The Status Report is Organized by LEED Principles to guide the Consultant Team on the Green Basis of Design. The Green Basis of Design will exceed the minimums set forth by the ARC Project Review. LEED Principles require Pre Construction, Construction, Commissioning and Post Occupancy commitment from an Owner/ Develop.

Sections

1. General
2. Site - LEED
3. Structure
4. Materials & Resources- LEED
5. Energy - LEED
6. Water - LEED

BAU “Business As Usual”

Conditions of approval that are in line with existing regulatory/ permit requirements, or are in line with standard design practices at AES and their Consultants are indicated as “BAU.” This is done to ensure that any conditions requiring special attention or special procedure are called highlighted as not BAU. Additional Consultants are being brought on board to address areas of Special Attention.

Milestones & Documents Referenced

GLUC Application 2015-29 – Application for Zone Variance for Height, accepted September 17, 2015. Reviewed by GLUC/ARC.

GLUC Application 2015-29 Supplemental Information – Submitted in response to the Department of Land Management Case Planners Report dated March 9, 2016.

GLUC Amended Notice of Action (NOA) – Approval with Conditions of Application 2015-29 dated May 3, 2016 (per meeting on April 28, 2016).

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
1. General									
1.1	General	<p>Prior to securing any permits for the purpose of construction, the applicant shall engage in crafting and securing an agreement between the applicant/property owner and the GLUC, where;</p> <p>a. The purpose of agreement shall serve solely to assure the availability of funding for demolition of structures associated with this project in the event the developer fails to realize the project completion as a result of lack of funding;</p> <p>b. The agreement shall contain and provide a timeline for projection completion;</p> <p>c. From the date of recordation of approval, the applicant shall submit a written report every six (6) months to the GLUC on the status of the project with respect to associated phases of development to include a status of funding for the overall project;</p> <p>d. Elements of agreement may include, but not limited to:</p> <p>i. Bonding at 110% of the cost of the project;</p> <p>ii. In the event that the Commission determines through substantial evidence the need, order and execute its authority vested in the agreement, the applicant may within a time period found to be reasonable by the Commission, appeal its decision citing appropriate reasonable justification to rescind such order;</p> <p>iii. The applicant may request release of bonding</p>	GLUC	14				AES	<p>Compliance Anticipated. Wanfang has hired a local counsel to draft an agreement with GLUC that covers the requested points.</p>

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
		and/or instruments of binding agreement at the time of projection completion and final occupancy is secured through DPW.							

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
1. 2	General	Within six (6) months of recordation of approval the applicant shall submit re-design plans with supporting information of such design to the Guam Chief Planner for assessment of compliance. After review, such information shall be forwarded to the Guam Land Use Commission for its consideration and approval at the next available regularly scheduled hearing	GLUC	10.e	Y			AES	Status Update submitted November 14, 2016 NTSC dated December 7, 2016 addressed in resubmittal dated December 21, 2016. GLUC hearing January 12, 2017 will hear the NTSC resubmittal.
1. 3	General	Incorporate eco-green and energy efficient as part of your design concept	DPW	7.a	Y	✓	CD	AES	Ongoing. Owner is committed to 'eco-green' goals; Draft 2015 Guam Energy Code and LEED principles being used to craft a green Basis of Design
1. 4	General	DPW recommends approval subject to comments review by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing including flood zone and ADA requirements	DPW	7.j	Y				Compliance Anticipated. In line with existing regulatory/ permit requirements
1. 5	General	Owners/operators of the Pago Bay Ocean Resort shall engage the technical assistance expertise of the University of Guam in implementing beach/bay cleanup program; and partnered marine science education program;	DPW	6	Y				Compliance Anticipated. In line with existing regulatory/ permit requirements
2. Site									

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
2. 1	Archeologist	Must hire a qualified archaeologist to prepare an Archaeological Monitoring, Discover, and Data Recovery Plan in consultation with our office. Recommended to schedule a meeting soon, with the appropriate DPR staff to discuss the concerns raised	DPR	6.a			Reburi al	AES	Ongoing. AES has contracted awith Hurao Inc, Anna Marie B. Arceo to facilitate Reburial no later than March 2017. Interviews with Archeologists are ongoing.
2. 2	Archeologist	Developer must secure an agreement with DPR to address and resolve the reburial of human remains	DPR	6.b			Reburi al	AES	Ongoing. AES has contracted Hurao Inc. to coordinate reburial of remains. Anna Marie B Arceo has been in contact with Parks & Recreation. This was also done in compliance with a Notice of Action dated March 13, 2008 for Application No. 2007-84. Further, this will be addressed and permitted separately, scheduled for completion in March 2017
2. 3	Architectural	Comply with ADA (parking layout, stalls, etc)	DPW	7.f, 7.j	Y		CD	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements
2. 4	Architectural	Entrance/exit must be wide enough for public access	DPW	7.g	Y		CD	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements
2. 5	Architectural Site/ Landscape	Public access to beach area	DPR, DPW	6.b, 7	Y		CD	AES	In Compliance. Included in GLUC Application 2015-29; will also be included in final CD submission. AES will seek clarification on if developer must secure an agreement with DPR

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
2. 6	Architectural Site/ Landscape	Outdoor amenities including landscaping must be design in detail and make use of its physical and biological resources which will make a great impact to the environment	DPW	7.c		✓	CD	AES	Compliance Anticipated. AES anticipates meeting DPW's expectations with commitment to use native plants, protect the habitat, avoid invasive plants, and promote local beauty. See 2.7
2. 7	Architectural Site/ Landscape	Encouraged to avoid use of invasive plants, incorporate native plants. Advised to preserve native vegetation. Best blend into the natural beauty of Pago Bay	BSP, GLUC	8.j, 10.b		✓	CD	AES	Ongoing. Developer working with experts to preserve, protect and restore the area
2. 8	Architectural / Landscape	Provide open vegetated buffer between the shoreline and buildings in accordance with NCGLUP Policy NS-9	BSP	8.a		✓	DD	AES	AES will seek clarification with BSP
2. 9	Civil	Non-potable water for landscape and other non-domestic use must be explored by collecting rainwater	GEPA	3.j		✓	CD	AES	Ongoing. Researching and considering options to collect water for non-potable uses. Final design by AES Civil Engineer
2. 10	Civil	With respect to wetland protection, wetland areas must be protected and a buffer of 30 feet must be maintained	GEPA	3.k		✓	CD	AES	Ongoing. Working with BSP and the Army Corps of Engineers on wetland protection, including a 30 ft buffer
2. 11	Civil	Must comply with all GEPA regulations, to be incorporated during the issuance of building permit clearance (i.e. Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.)	GEPA	3.l	Y		CD	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements
2. 12	Civil	Must provide a traffic impact analysis to be coordinated with DPW, Division of Highways (Traffic Control Section); to include, i. Request the widening of Route 4; and ii. Creation of a turning lane south-bound into Yona	DPW	7.e	Y		CD	AES	In Compliance. Traffic Mitigation Plan dated March 15, 2016 included in GLUC Application 2015-29 Supplemental Information. Separate Permit submission will include results of this study

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
2. 13	Civil	Employ erosion and sediment controls during construction, no sediment or debris into water. Coordinate with GEPA for effective implementation of erosion control methods	BSP	8.b	Y	✓	CA	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements; also in line with owner's eco-green goals for construction activity pollution prevention. Will seek clarification with BSP regarding their approval
2. 14	Civil	Coordinate with the GEPA for effective implementation of erosion control methods	BSP	8.c	Y	✓		AES	Compliance Anticipated. In line with existing regulatory/ permit requirements. Will seek clarification with BSP regarding their approval
2. 15	Civil	Advised to avoid clearing, grading and construction over the wetlands	BSP	8.d	Y	✓	CA	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements. Will seek clarification with BSP regarding their approval
2. 16	Civil	Encouraged to implement Low-Impact Development (LID) practices such as permeable pavement for parking lots and walkways, grassed swales, island bio retention, and/or rain gardens into the landscaping design that will capture runoff from roofs, parking lots, or driveways, which filters pollutants before entering the water. An electronic file of the guidebook "island Storm-water Practice Design Specifications: is available at the Bureau's Guam Costal Management Program office.	BSP	8.h, 8.i		✓	CD	AES	Ongoing. Researching and considering options to implement various LID practices; AES is in contact with a BSP representative Anna Simeon. Cross agency meeting schedule for early January 2017. All reference publications have been received from BSP. AES is seeking Wetlands Design Consultant. Current Consultant good at Delineating & Monitoring Only.

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
2. 17	Operations	Encouraged to consult with Dpt of Ag in using organic fertilizers or pesticides for landscaping to avoid additional contaminants from entering river bay. May also seek guidance from GEPA Pesticide Control Program	BSP	8.k		✓	Oper- ations	Owner	Compliance Anticipated. AES will seek clarification with BSP regarding their approval. Department of Agriculture Compliance Regulations
2. 18	Soil Analysis	Must provide a soil report and geology engineering report	DPW	7.d	Y		SD	AES	In Compliance. AES contracted soil engineer; testing complete
2. 19	Stormwater	Must conduct comprehensive soil analysis to determine percolation rate, taking into consideration the water table, to be used as a basis of design for a storm water management	GEPA	3.a	Y		SD	AES	Ongoing. AES contracted this work; awaiting report
2. 20	Stormwater	Comply with the requirements of the 2006 Guam CNMI and Guam Storm Water Management Manual or current stormwater management plan and associated pre-treatment program, as directed by GWA	GEPA	3.b	Y	✓	CD	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements.
2. 21	Stormwater	Discharge of storm water into Pago River and Bay should be avoided to the fullest extent practicable	BSP	8.e	Y	✓	CD	AES	Compliance Anticipated. In line with owner's eco-green goals for construction activity pollution prevention
2. 22	Stormwater	Submit a drainage plan showing methods for managing storm water on site; implement best management practices on property to control erosion and runoff during and after construction of the project in accordance with current storm-water management plan per DPW direction	BSP	8.f	Y	✓	CD	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements; also in line with owner's eco-green goals for construction activity pollution prevention. AES will seek clarification with BSP regarding their approval
2. 23	Stormwater	Consult with GEPA for effective implementation of storm water management practices	BSP	8.g	Y	✓	CD	AES	Compliance Anticipated. AES will implement stormwater management practices and consult with GEPA. AES will seek clarification with BSP regarding their approval

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
3. Structure									
3.1	Architectural	Be based on maximum footprint consideration(s) available by law (239 units)	GLUC	10.a	Y	✓	SD	AES	In Compliance. 10/22/2016 Revision and 12/21/2016 Revision submitted to GLUC in compliance
3.2	Architectural	In its current design, the applicant attempts to promote a level view corridor serving reason for “two tower” design. The applicant shall resume or retain this intent to provide, as best as possible, a design that will not interfere with view corridors	GLUC	10.c			SD	AES	In Compliance. GLUC Application 2015-29 schematic design promoted a level view corridor; any future design changes will maintain this intent
3.3	Architectural	SUCH DESIGN SHALL SERVE AS THE BASIS FOR IDENTIFYING APPROPRIATE HEIGHT LIMITATIONS; maximum height for the three structures – commercial building and common area the height is not to exceed 58-feet mean sea level, Tower 1 not to exceed 168-feet mean sea level and for Tower 2 not to exceed 158-feet mean sea level	GLUC	10.d	Y		SD	AES	In Compliance. 10/22/2016
3.4	Architectural	Provide structural analysis for winds velocity that can withstand 170 mph	DPW	7.b	Y		CD	AES Consul tant	Compliance Anticipated. In line with existing regulatory/ permit requirements; will be addressed in final CD submission
4. Materials & Resources									
4.1	Solid Waste Management	Provide solid waste compositions	DPW	7.i	Y	✓	CD	AES	Compliance Anticipated. AES will ensure compliance for construction waste. During operations, the Owner will be in charge of a tenant solid waste program. AES will seek clarification with DPW on exact meaning
5. Energy									

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
5.1	Site Utilities	GPA has determined that significant infrastructure upgrades, that includes but is not limited to, switches, voltage regulations, load transfers and capacitor banks must be completed in order to support this project. GPA is also investigating the line extension of feeder P-211 to support the Pago Bay <i>Ocean</i> Resort as a permanent solution. Consequently, the infrastructure upgrades, at a minimum of those referenced above, shall be completed prior to final service connection of Pago Bay <i>Ocean</i> Resort.	GPA	5.a	Y		CD	AES Consul tant	Compliance Anticipated. In line with existing regulatory/ permit requirements. Will be addressed by contracted Electrical Engineer
5.2	Site Utilities	Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations	GPA	5.c	Y		CD	AES Consul tant	Compliance Anticipated. In line with existing regulatory/ permit requirements. Will be addressed by contracted Electrical Engineer

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
5.3	Site Utilities / Electrical Engineering	The applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations.i. Coordinate overhead/underground power requirements with GPA Engineering for new structures.ii. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code;iii. Maintain adequate clearance between any structures and electrical utility easements in accordance with NESC and GPA requirements.iv. Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection.v. Provide any revision to scheduling and magnitude of project power demand requirements for new loads.vi. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.vii. Require system upgrades will be charged to the applicant. This includes relocation costs, new installation costs and all costs associated with modification of GPA facilities	GPA	5.b	Y		CD	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements. Will be addressed by contracted Electrical Engineer
5.4	Site Utilities / Electrical Engineering	Further system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.	GPA	5.d	Y		CD	AES Consultant	Compliance Anticipated. Impact assessment based on estimates included in GLUC Application; final power calculations will be included in final CD submissions
6. Water									

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
6.1	Civil	The water point of connection must be before the Pago Bay Booster station to conserve energy, as directed by GWA.	GEPA	3.i	Y		CD	AES	Compliance Anticipated. Will be included by AES Civil Engineer
6.2	Operations	Cleaning and maintenance of any swimming pool must not be discharged to the sewer system. It must be pumped by a private company and discharged at an acceptable location, as directed by GWA	GEPA	3.e	Y	✓	Oper- ations	Owner	Compliance Anticipated. In line with existing regulatory and inspection requirements. AES will seek clarification with GEPA on their approval
6.3	Operations	Wastewater pump station requires certified operator, compliance with 10 GCA Chapter 52 "Water and Wastewater Operator's Mandatory Certification Act" (per GWA)	GEPA	3.f	Y		Oper- ations	Owner	Compliance Anticipated. In line with existing regulatory and inspection requirements
6.4	Plumbing	The applicant must construct a water storage tank with a minimum capacity of 24 hour domestic demands and the required fire flow, as directed by GWA	GEPA	3.h	Y		CD	AES Consul tant	Compliance Anticipated. Will be included by contracted Plumbing Engineer
6.5	Sewer	Sewer discharge must be contained in a holding tank and a pump station with a capacity of 24 hours to allow schedule of pumping by GWA during non-peak hours, as directed by GWA	GEPA	3.c	Y		CD	AES Consul tant	Compliance Anticipated. In line with existing regulatory/ permit requirements. AES will seek clarification with GEPA on their approval
6.6	Sewer	Proposed discharge points must bypass the Pago Double Shaft Sewer Pump Station, as directed by GWA	GEPA	3.d	Y		CD	AES	In Compliance. Included in GLUC Application; will also be included in final CD submission, AES will seek clarification with GEPA on their approval
6.7	Sewer	Pumping of sewage to GWA's gravity main must be scheduled during non-peak hours	GEPA	3.g	Y		CD	AES	In Compliance. Included in GLUC Application; will also be included in final CD submission. AES will seek clarification with GEPA on their approval

Category		Condition of Approval / Action Item	Agency	Ref- erence	BAU	Eco- green	Time- frame	Lead	Dec 2016 Status Update
6. 8	Site Utilities	GWA recommends coordination with the GWA Engineering Department will in advance of the building permit application submittal. Discussions shall include the proposed project's impacts on existing water and sewer infrastructure and any required infrastructure improvements.	GWA	4.a	Y		CD	AES	Ongoing. Coordinated with GWA for initial GLUC Application; will maintain cooperation prior to final CD submission
6. 9	Site Utilities	Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved by GWA.	GWA	4.b	Y		CD	AES	Compliance Anticipated. Will be included by AES Civil Engineer
6. 10	Site Utilities	Water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and the water park. Utility calculations should identify all water demand activities and sewage sources (restaurants and laundry facilities, etc)	GWA	4.c	Y		CD	AES Consul tant	Compliance Anticipated. Will be addressed and included by AES Civil Engineer. Will coordinate with GWA as needed
6. 11	Site Utilities	If water and sewer infrastructure are installed by developer, they will require prior approval and shall be subject to inspection by GWA	GWA	4.d	Y		CD	AES	Compliance Anticipated. In line with existing regulatory/ permit requirements
6. 12	Site Utilities	Install the water meters in the right of way or easement. If the developer will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for non-residential activities	GWA	4.e	Y		CD	AES Consul tant	Compliance Anticipated. In line with existing regulatory/ permit requirements
6. 13	Site Utilities	New development is subject to water and/or sewer system development charges (SDC)	GWA	4.f	Y			Owner	Ongoing. Will be resolved by developer before final permit submission

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NOTICE OF ACTION (**COPY WITH SECTIONS ADDED**)

Application No. 2015-29B

Wanfang Construction, Ltd.

Lot 164-4NEW-1 – Municipality of Yona

Request for Variance – Height

GLUC Hearing Date: April 28, 2016

Date of Preparation of NOA: May 3, 2016

SU- NOA [SECTION 1] APPLICATION DESCRIPTION: The Applicant, Wanfang Construction, Ltd requested to exceed the allowable structural height limitation of thirty (30) feet to construct the Pago Bay *Ocean* Resort, a proposed 14 story and 15 story multi-family structure in an “R-2” (Multi-Family Residential) zone on Lot 164-4NEW-1 Municipality of Yona.

SU- NOA [SECTION 2] COMMISSION DECISION: The Guam Land Use Commission APPROVED WITH CONDITIONS the request for zone variance for height. Conditions are as follows:

1. Commission approves the height variance which is lower than what the applicant requested with the following restrictions:
 - a. Commercial/common area height is not to exceed 58-feet mean seal level;
 - b. Tower 1 not to exceed 168-feet mean sea level; and
 - c. Tower 2 not to exceed 158-feet mean sea level).
2. Applicant adheres to all conditions listed below and as provided by the Application Review Committee. Such recommendations shall serve as conditions of approval under Condition 2 as follows:

SU- NOA [SECTION 3 – GEPA] Conditions as recommended by Guam Environmental Protection Agency:

- a. **SU 2.19- NOA 3 a.** The applicant must conduct a comprehensive soil analysis to determine percolation rate, taking into consideration the water table, to be used as a basis of design for a storm water management plan;
- b. **SU 2.19- NOA 3 b.** Comply with the requirements of the 2006 Guam CNMI and Guam Storm Water Management Manual or current storm-water management plan and associated pre-treatment program, as directed by GWA.
- c. **SU 6.5- NOA 3 c.** The sewer discharge must be contained in a holding tank and a pump station with a capacity of 24 hours to allow schedule of pumping by GWA during non-peak hours, as directed by GWA.
- d. **SU 6.6- NOA 3 d.** The proposed discharge points must bypass the Pago Double Shaft Sewer Pump Station, as directed by GWA.
- e. **SU 6.2- NOA 3 e.** Cleaning and maintenance of any swimming pool must not be discharged to the sewer system. It must be pumped by a private company and discharged at an acceptable location, as directed by GWA.

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Application No. 2015-29B

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Lot 164-4NEW-1 – Municipality of Yona

Request for Variance – Height

GLUC Hearing Date: April 28, 2016

Date of Preparation of NOA: May 3, 2016

- f. **SU 6.3- NOA 3 f.** The wastewater pump station requires a certified operator to operate for compliance with the 10 GCA Chapter 52, the “Water and Wastewater Operator’s Mandatory Certification Act”, as directed by GWA.
- g. **SU 6.7- NOA 3 g.** Pumping of sewage to GWA’s gravity main must be scheduled during non-peak hours.
- h. **SU 6.4- NOA 3 h.** The applicant must construct a water storage tank with a minimum capacity of 24 domestic demands and the required fire flow, as directed by GWA.
- i. **SU 6.1- NOA 3 i.** The water point of connection must be before the Pago Bay Booster station to conserve energy, as directed by GWA.
- j. **SU 2.10- NOA 3 j.** Non-potable water for landscape and other non-domestic use must be explored by collecting rainwater.
- k. **SU 2.9- NOA 3 k.** With respect to wetland protection, wetland areas must be protected and a buffer of 30 feet must be maintained.
- l. **SU 2.11- NOA 3 l.** The project must comply with all the requirements of Guam EPA regulations to be incorporated during the issuance of building permit clearance (i.e. Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.).

SU- NOA [SECTION 4 - GWA] Conditions of approval as recommended by the Guam Waterworks Authority:

- a. **SU 6.8- NOA 4 a.** GWA recommends coordination with the GWA Engineering Department will in advance of the building permit application submittal. Discussions shall include the proposed project’s impacts on existing water and sewer infrastructure and any required infrastructure improvements.
- b. **SU 6.9- NOA 4 b.** Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved by GWA.
- c. **SU 6.10- NOA 4 c.** The water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and the water park. Utility calculations should identify all water demand activities and sewage sources, including restaurants and laundry facilities, if any.
- d. **SU 6.11- NOA 4 d.** If water and sewer infrastructure are installed by the developer, they will require prior approval and shall be subject to inspection by GWA.
- e. **SU 6.12- NOA 4 e.** The applicant shall install the water meters in the right of way or easement. If the developer will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for non-residential activities.
- f. **SU 6.13- NOA 4 f.** New development is subject to water and/or sewer system development charges (SDC).

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Application No. 2015-29B

Wanfang Construction, Ltd.

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Date of Preparation of NOA: May 3, 2016

SU- NOA[SECTION 5 - GPA] Conditions of approval as recommended by the Guam Power Authority:

- a. **SU 5.1- NOA 5 a.** GPA has determined that significant infrastructure upgrades, that includes but is not limited to, switches, voltage regulations, load transfers and capacitor banks must be completed in order to support this project. GPA is also investigating the line extension of feeder P-211 to support the Pago Bay Ocean Resort as a permanent solution. Consequently, the infrastructure upgrades, at a minimum of those referenced above, shall be completed prior to final service connection of Pago Bay Ocean Resort.
- b. **SU 5.3- NOA 5 b.** The applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations.
 - i. Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - ii. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code;
 - iii. Maintain adequate clearance between any structures and electrical utility easements in accordance with NESC and GPA requirements.
 - iv. Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection.
 - v. Provide any revision to scheduling and magnitude of project power demand requirements for new loads.
 - vi. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
 - vii. Require system upgrades will be charged to the applicant. This includes relocation costs, new installation costs and all costs associated with modification of GPA facilities.
- c. **SU 5.2- NOA 5 c.** Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- d. **SU 5.4- NOA 5 d.** Further system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

[SECTION 6 - DPR] Conditions of approval as recommended by the Department of Parks & Recreation:

- a. **SU 2.1- NOA 6 a.** The developer must hire a qualified archaeologist to prepare an Archaeological Monitoring, Discover, and Data Recovery Plan in consultation with our office. We recommend

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Application No. 2015-29B

Wanfang Construction, Ltd.

Lot 164-4NEW-1 – Municipality of Yona

Request for Variance – Height

GLUC Hearing Date: April 28, 2016

Date of Preparation of NOA: May 3, 2016

that Mr. Sana and Mr. Sherman schedule a meeting soon, with the appropriate DPR staff to discuss the concerns raised.

- b. **SU 2.2, 2.5- NOA 6 b.** Prior to any approval by the GLUC, the developer must secure an agreement with DPR to address and resolve the reburial of human remains and the public beach access to the ocean shore.

[SECTION 7 – DPW] Conditions of approval as recommended by the Department of Public Works:

- a. Incorporate eco-green and energy efficient as part of your design concept.
- b. **SU 3.4- NOA 7 b.** Provide structural analysis for winds velocity that can withstand 170 mph;
- c. **SU 2.6- NOA 7 c.** Outdoor amenities including landscaping must be design in detail and make use of its physical and biological resources which will make a great impact to the environment;
- d. **SU 2.18- NOA 7 d.** Must provide a soil report and geology engineering report;
- e. **SU 2.12- NOA 7 e.** Must provide a traffic impact analysis to be coordinated with DPW, Division of Highways (Traffic Control Section); to include,
 - i. Request the widening of Route 4; and
 - ii. Creation of a turning lane south-bound into Yona.
- f. **SU 2.3- NOA 7 f.** Parking layout, parking stalls (compact standard and accessible stalls) must comply with the American Disability Act (ADA) requirements;
- g. **SU 2.4- NOA 7 g.** Entrance/exit must be wide enough for public access;
- h. **SU 2.5- NOA 7 h.** Must provide public access to the beach area; and
- i. **SU 4.1- NOA 7 i.** Provide solid waste compositions.
- j. **SU 2.3- NOA 7 j.** DPW recommends approval subject to comments review by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing including flood zone and ADA requirements.

[SECTION 8 – BSP] Conditions of approval as recommended by the Bureau of Statistics & Plans:

- a. **SU 2.8- NOA 8 a.** Provide an open vegetated buffer between the shoreline and buildings in accordance with Policy NS-9 of the NCGLUP.
- b. **SU 2.13- NOA 8 b.** Employ erosion and sediment controls during construction of the 239-unit building to ensure that sedimentation is avoided and the debris are not allowed to fall and flow into the water.
- c. **SU 2.14- NOA 8 c.** Coordinate with the Guam Environmental Protection Agency (GEPA) for effective implementation of erosion control methods.

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Application No. 2015-29B

Wanfang Construction, Ltd.

Lot 164-4NEW-1 – Municipality of Yona

Request for Variance – Height

GLUC Hearing Date: April 28, 2016

Date of Preparation of NOA: May 3, 2016

- d. **SU 2.15- NOA 8 d.** Guam Wanfang, Construction Ltd. is advised to avoid clearing, grading and construction over the wetlands located in Lot 164-4NEW-1.
- e. **SU 2.21- NOA 8 e.** Discharge of storm-water into the Pago River and Pago Bay should be avoided to the fullest extent practicable.
- f. **SU 2.22- NOA 8 f.** Submit a drainage plan showing methods or practices for managing storm-water on site implement best management practices on the property to control erosion and runoff during and after construction of the project in accordance with current storm-water management plan per DPW direction.
- g. **SU 2.23- NOA 8 g.** Consult with the Guam EPA for effective implementation of storm-water management practices.
- h. **SU 2.16- NOA 8 h** The applicant is encouraged to implement Low-Impact Development (LID) practices such as permeable pavement for parking lots and walkways, grassed swales, island bio retention, and/or rain gardens into the landscaping design that will capture runoff from roofs, parking lots, or driveways, which filters pollutants before entering the water. An electronic file of the guidebook “island Storm-water Practice Design Specifications: is available at the Bureau’s Guam Costal Management Program office.
- i. **SU 2.17- NOA 8 i.** The applicant is encouraged to implement LID practices such as permeable pavement for parking lots and walkways, grassed swales, island bio retention, and/or rain gardens into the landscaping design that will capture runoff from roofs, parking lots, or driveways, which filters pollutants before entering the water.
- j. **SU 2.7- NOA 8 j.** Avoid the use of invasive plants is encouraged. Although the project identifies tropical landscaping on the property, the applicant is encouraged to incorporate native plants as well. The applicant is advised to preserve native vegetation on the property.
- k. The applicant is encouraged to consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering the Pago River and Pago Bay. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

[SECTION 9] 3. In matters remaining unresolved by individual agencies particularly that of matters concerning infrastructure, the applicant shall be restricted from submitting and/or securing any permit requests to include, not limited to, building permits until such time such agency concerns have been satisfied;

[SECTION 10 – GLUC] 4. The applicant shall complete and implement a re-design plan. Such new design shall:

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Application No. 2015-29B

Wanfang Construction, Ltd.

Lot 164-4NEW-1 – Municipality of Yona

Request for Variance – Height

GLUC Hearing Date: April 28, 2016

Date of Preparation of NOA: May 3, 2016

- a. **SU 3.1- NOA 10 a.** Be based on maximum footprint consideration(s) available by law (239 units);
- b. **SU 2.7- NOA 10 b.** Best blend into the natural beauty of Pago Bay;
- c. **SU 3.2- NOA 10 c.** In its current design, the applicant attempts to promote a level view corridor serving reason for “two tower” design. The applicant shall resume or retain this intent to provide, as best as possible, a design that will not interfere with view corridors;
- d. **SU 3.3- NOA 10 d** SUCH DESIGN SHALL SERVE AS THE BASIS FOR IDENTIFYING APPROPRIATE HEIGHT LIMITATIONS; maximum height for the three structures – commercial building and common area the height is not to exceed 58-feet mean sea level, Tower 1 not to exceed 168-feet mean sea level and for Tower 2 not to exceed 158-feet mean sea level; and,
- e. **SU 1.2- NOA 10 e.** Within six (6) months of recordation of approval the applicant shall submit re-design plans with supporting information of such design to the Guam Chief Planner for assessment of compliance. After review, such information shall be forwarded to the Guam Land Use Commission for its consideration and approval at the next available regularly scheduled hearing.

[SECTION 11] 5. All commercial operations associated with the Pago Bay marine resort intended to occur within or in association with the territorial Seashore Reserve shall require consent and approval by the Guam Seashore Protection Commission;

[SECTION 12] SU 1.5- NOA 6. 6. Owners/operators of the Pago Bay Ocean Resort shall engage the technical assistance expertise of the University of Guam in implementing beach/bay cleanup program; and partnered marine science education program;

[SECTION 13] SU 2.5- NOA 7. 7. Owners/operators of the Pago Bay Ocean shall provide public access to the beach area of the bay. Such access shall allow for egress/ingress of emergency vehicles and public use of the Territorial Seashore Reserve throughout the bay pursuant to the requirements of providing untrammelled use of the beach and its natural beauty pursuant to Title 21 GCA, Chapter 61, Section 61617(e);

[SECTION 14] SU 1.1 - NOA 14. 8. That prior to securing any permits for the purpose of construction, the applicant shall engage in crafting and securing an agreement between the applicant/property owner and the GLUC, where;

NOTICE OF ACTION **(COPY WITH SECTIONS ADDED)**

Application No. 2015-29B

Wanfang Construction, Ltd.

Lot 164-4NEW-1 – Municipality of Yona

Request for Variance – Height

GLUC Hearing Date: April 28, 2016

Date of Preparation of NOA: May 3, 2016

- a. The purpose of agreement shall serve solely to assure the availability of funding for demolition of structures associated with this project in the event the developer fails to realize the project completion as a result of lack of funding;
- b. The agreement shall contain and provide a timeline for projection completion;
- c. From the date of recordation of approval, the applicant shall submit a written report every six (6) months to the GLUC on the status of the project with respect to associated phases of development to include a status of funding for the overall project;
- d. Elements of agreement may include, but not limited to:
 - i. Bonding at 110% of the cost of the project;
 - ii. In the event that the Commission determines through substantial evidence the need, order and execute its authority vested in the agreement, the applicant may within a time period found to be reasonable by the Commission, appeal its decision citing appropriate reasonable justification to rescind such order;
 - iii. The applicant may request release of bonding and/or instruments of binding agreement at the time of projection completion and final occupancy is secured through the Department of Public Works.

[SECTION 15] 9. Conditions of approval shall be transferable to new owners, when applicable.

Responses to ARC Position Statements

Previous Summary Response
to ARC

Project: Pago Bay Marina Resort Case No: 2015-29

Agency: GWA

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	GWA recommends applicant to coordinate with the GWA engineering department in advance of the building permit application submittal, to discuss the proposed project's impacts on existing water and sewer infrastructure improvements.	Will comply and will coordinate prior to building permit.
2.	Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved by GWA.	Will provide.
3.	The water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and water park. Utility calculations should identify all water demand activities and sewage sources, including restaurants and laundry facilities, if any.	Will provide revised water demand calculation to include pool and water park.
4.	If water and sewer infrastructure facilities are installed by the developer, they will require prior approval and shall be subject to inspection by GWA.	Will comply and undergo installation inspections by GWA personnel.
5.	The applicant shall install the water meters in the right of way or easement.	Will comply as necessary.
6.	If the development will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for non-residential activities.	Grease traps and backflow preventers will be provided.
7.	New development is subject to water and/or sewer system development charges (SDC).	Will comply with the law.

Responses to ARC Position Statements

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: BSP

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Flood Zone- The property has been identified to be located in a flood zone. (FEMA flood zone high risk "A") This area has a 1% annual chance of flooding and a 26% chance of flooding over a 30 year Mortgage. Adhere with Policy NS-3, NCGLUP.	The High Hazard "A" Zone is within the wetland area. A very small portion of this high risk zone is within the building foot print. The main floor building pad elevation will be elevated approximately 15 feet above existing grade.
2.	Inconsistent with the legislative intent of 21GCA, Chapter 61, §61504 Zoning Law; Statement of Purpose: Building and Building Height Restriction in Beach Areas. See agency position statement dated: Nov. 30, 2015. GCMP Resource Policy 5 Visual Quality	Complied with this section of Zoning law: The proposed building is over 20' in height, thus, the building is required to be more than 75 feet from High Water Mark. Proposed building is 180 feet from HWM. A separate beach access is provided for public use.
3.	Protection of Marine Waters. Compliance with 21 GCA Chapter 63. Guam Territorial Seashore Protection Act. Recommendations: a. Applicant must provide open vegetated buffer yards between the shoreline and Buildings in accordance with Policy NS-9 NCGLUP. b. Employ erosion and sediment controls during construction and avoid sedimentation from entering in the water. Use best management practice including silt fencing as provided as an example in the CNMI/Guam Stormwater Management Manual, October 2006. c. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective Implementation of erosion control methods.	Complied with 21 GCA Chp 63: a. More than 180 feet of open space between the shoreline and building is proved. b. Will be provided during building permit. c. Will comply.
4.	Wetlands. Avoid impacting wetlands during Clearing, grading and construction.	The proposed development will not disturb the wetland.

Responses to ARC Position Statements

Item No.	SUMMARY OF COMMENTS	RESPONSE
5.	<p>Stormwater Management. Avoid stormwater discharge into the Pago River and Pago Bay.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> Submit a drainage plan for managing stormwater on site. Implement BMPs to control erosion and runoffs during and post construction in accordance to CNMI/GUAM Stormwater Management Manual. <ul style="list-style-type: none"> 2.1 Construction Stormwater Treatment Criteria and Standards; 2.2 Post Construction Stormwater Treatment Standards and Criteria; 3.2 Acceptable Post-Construction BMPs. Consult with the Guam EPA for effective implementation of stormwater management practices. 	<ol style="list-style-type: none"> Will comply with the storm water management during construction. Will comply with BSP recommendations. Will coordinate with GEPA during building permitting.
6.	<p>Low Impact Development (LID). The applicant is encourage to implement LID practices. See paragraph 2, of section 6 of position statement. An electronic file of the guide book "Island Stormwater Practice Design Specifications" is available at the CZMP office.</p>	<p>Will adhere to the recommendations contained in "Island Stormwater Practice Design Specifications" where applicable.</p>
7.	<p>Historic Preservation. To preserve historic properties and artifacts, the applicant is [advised] to coordinate with the Dept. of Parks and Recreation, Guam Historic Resources Division, when excavation is involved.</p>	<p>Will comply with Parks & Rec requirements in preserving historical artifacts, if found. Prior to excavation, Parks and Rec Guam Historic Resources Division will be advised.</p>
8.	<p>Beach Access. Beach access in accordance to 21 GCA Real Property Ch. 65 shall not be impeded at all times. Agreements with applicant for provision of releasable access to and use of resources of public nature located on such land.</p>	<p>An unimpeded concrete paved access is provided and is presently accessible directly from Route 4.</p>

Responses to ARC Position Statements

Item No.	SUMMARY OF COMMENTS	RESPONSE
9.	Invasive Species and Native Flora. The applicant is [advised] to preserve native vegetation on the property. Native plants like Hibiscus tiliaceus (pago tree and Nypa frutican (nipa) are included.	Studies have found no endanger or protected species of vegetation with in the proposed construction area. If found, all native plants will be preserved with care.
10.	Landscaping. Consult with Dept. of Agriculture for use of organic fertilizers or pesticides for landscaping to avoid contaminants from entering the Pago River and Bay. Consult with GEPA for use of such products.	Will work with Dept. of Agriculture during landscaping work. EPA will be consulted prior to using fertilizers.

Responses to ARC Position Statements

Project: Pago Bay Marina Resort

Case No: 2015-29

Agency: DAGR

DAGR

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	DAGR requires a recent biological survey to determine that no protected indigenous flora and fauna recently listed on the Federal Endangered Species list is affected by the development prior to approval of a clearing, grading and building permit. Should the consultant find such species in the area they must be protected by either leaving in place and no development occurs in the area or can be relocated to a section of the property where development is restricted to a "green zone" meaning that a portion of the property will be kept in an original state such as the wetland and river habitat that will be left so that these endangered and indigenous species can thrive and live.	We planned no construction within the wetland. If any Federal Endangered Species are encountered during construction activity, such finding will be promptly coordinated with DAGR.
2.	Wetland. The wetland points identified by ARC Environmental closest to river system must be identified through signs and markers to insure that no encroachment by heavy equipment and other machinery takes place. A buffer zone must be maintained between the proposed development and the river/wetland habitat to add further protection of this area. Nipa palm are within government jurisdiction and cannot be harvested as they provide protection of the river system by preventing erosion into this area.	We plan to provide 15 feet of buffer zone between the construction area and wetland boundary. We will install a silt fence prior to any work. Wet land and it's plants will not be disturbed.
3.	Implement BMPs and Mitigation controls to ensure that no erosion of any fill material or dredge is allowed to enter into the protected areas. Silt screens and other erosion control measures must be erected and maintained throughout the entire period of development. Prohibit any activity requiring use of heavy equipment and other machinery or materials that use fuels, chemicals near coastal waters, river and wetland zones. Such activity must be done at an approved OSHA site that contains the proper systems to catch any spillage and leakage. Signs must be posted on site notifying workers that these activities are prohibited.	Will erect silt fences and other erosion control measures during construction. Signs in compliance with OSHA will be posed.

Responses to ARC Position Statements

Item No.	SUMMARY OF COMMENTS	RESPONSE
	The agency may impose fines and penalties for any destruction and contamination of these areas.	
4.	DAGR recommends that the developer include a Comprehensive Landscaping Plan that incorporates the use of Indigenous and or fruit and ornamental varieties of trees. In addition vetiver grass that can also aid in erosion control can be made available to clientele upon consultation.	We have prepared landscape plans. Will incorporate many indigenous species of plants, shrubbery and trees with in the project limits.

Responses to ARC Position Statements

Project: Pago Bay Marina Resort **Case No:** 2015-29 **Agency:** DPR

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Reburial of human remains have yet to be reburied in the area designated as the Reburial Monument site.	Will meet and coordinate a new burial site. Previous plans were submitted to DPR and will coordinate a new re-burial location with DPR.
2.	Completion of the Public Beach Access to the ocean shore required by law.	Completed during Phase 1 f the project development.
3.	Reburial Monument Site and the public beach access encroached and compromised by the proposed development. Potential adverse effects to cultural properties may affected by the proposed development.	Will coordinate with DPR to mitigate any potential compromises.
4.	<p>The developer must hire a qualified archaeologist to prepare an Archaeological Monitoring Discovery, and Data Recovery Plan in consultation with DPR.</p> <p>Recommendation: Mr. Sana and Mr. Sherman to schedule a meeting soon, with DPR staff to discuss concerns raised. No recommendation of approval until an agreement is forged to address and resolve the pending reburial of human remains and the public beach access to the ocean shore.</p>	<p>Will comply with DPR recommendations for any new Archaeological Monitoring Discovery, and Data Recovery Plan.</p> <p>Applicant will schedule a coordination meeting with DPR at earlies date.</p>

Responses to ARC Position Statements

Project: Pago Bay Marina Resort **Case No:** 2015-29 **Agency:** DPW

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Incorporate eco-green and energy efficient as part of the design concept.	Will comply. We plan to incorporate energy saving devises as well as some renewable energy items.
2.	Provide structural analysis for winds velocity that can withstand 170 mph.	Will comply with the code.
3.	Outdoor amenities including landscaping must be design in detail and make use of its physical and biological resources which will make a great impact to the environment.	Will provide lavish, green landscaping using many indigenous plan species.
4.	Must provide a soil and geology engineering report. Must provide a traffic impact analysis to be Coordinated with DPW, Division of Highways.	Soil engineer will be retained for soil and geology requirements. The developer will be wary of recent DPW's 2030 Traffic master plan. The developer will undertake any localized traffic problems resulting in vicinities of the project site.
5.	Parking layout, accessible parking stalls must comply with the ADA requirements.	Will comply with ADA requirements.
6.	Entrance/exit must be wide enough for public access.	Will comply and coordinate design layout with DPW.
7.	Must provide public access to the beach area.	Will/have provided.
8.	Provide solid waste composition.	Post construction domestic solid waste will be disposed through a private collection company.
9.	Recommendation: recommends approval subject to comments review by the Application Review Committee (ARC) with condition that the complete set of design drawings must meet all the requirements in conformance with the latest	A complete set of design drawings will be provided to DPW prior to construction in compliance with all building codes.
10.	Building Code edition applicable to civil, structural, mechanical, electrical, and plumbing. Additionally, flood zone and ADA requirements.	Will comply. All design will be performed by cognizant design professionals.

Responses to ARC Position Statements

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: GEPA

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	<p>Stormwater Disposal Management Plan:</p> <ol style="list-style-type: none"> There are no design and hydraulic calculations for the proposed stormwater management plans to ensure proper storage and discharged of stormwater runoff, which will be generated after full development of the property. A soil investigation and percolation test must be conducted to determine the rate of percolation. The water table is a major setback in designing an effective drainage system. The EIA short form (item 9) indicates that the type of soil within the proximity and footprint of the project is considered to have a high water table, which could limit the capability of stormwater percolation and settlement. <p>Recommendation:</p> <ol style="list-style-type: none"> Conduct a comprehensive soil analysis to determine percolation rate, taking into consideration the water table, to be used as a basis of design for a stormwater management plan. Comply with the requirements of the 2006 Guam/CNMI Stormwater Management Manual and provide a pre-treatment 	<p>The applicant will prepare storm water management plan during building permitting period. The plan will be prepared in accordance with 2006 Guam/CNMI Storm water Management Manual.</p>
2.	<p>Wastewater System:</p> <ol style="list-style-type: none"> The proposed sewer connection is an existing stub out that was provided from the 98 single family residences (Pago Bay Resort) on Lot 155-NEW-R1, GLUC application No. 2007-84 and was approved on March 14, 2008. 	<p>During Phase 1 of Pago Bay Resort development in 2008, capacity of the Pago Double Shaft Pump station was reviewed and found it to be sufficient. The results were reviewed with GWA and have agreed that the existing pump station will be able to handle all future Pago Bay development without any modifications. Appropriate stub outs were prepared in anticipation of future connection</p>

Responses to ARC Position Statements

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: GEPA

Item No.	SUMMARY OF COMMENTS	RESPONSE
	<p>b. In this same application, GWA is requiring that the applicant generate wastewater calculations on the Pago Double Shaft and New Chaot Sewer Pump Stations to determine the reserve capacity required to accommodate the proposed wastewater load.</p> <p>c. GWA advised the applicant that the gravity sewer lines on Route 4, downstream of the new Chaot SPS termination manhole and on Route 1, are at capacity.</p> <p>d. GWA notes: "Until projects are implemented to upgrade [these] areas, this subdivision (Pago Bay Resort) will be unable to connect to the sewer."</p> <p>e. According to GWA on March 13, 2008, a review to determine specific requirements for these areas is in progress, no detailed recommendation have been made as to requirement for upgrading them.</p> <p>f. Further, GWA notes: Any upgrade of the downstream facilities must be completed prior to the connection of the subdivision (Pago Bay Resort), whether the financial responsibility is determined to be that of GWA or the developer.</p> <p>g. The consumer density of the facility being considered is three times larger at 300 residential dwelling units than the Pago Bay Resort where the above comments were based. The full occupancy is much sooner than the Resort due to the type of development.</p> <p>Recommendation:</p> <p>1. Applicant must submit the results of the aforementioned studies and provide</p>	<p>(Phase 2 and 3). All sewer installation was inspected by GWA personnel and have determined that the gravity sewer system within the development have complied with all GWA standards. There are no sewer lift stations within the development.</p> <p>Chaot SPS and manholes at Route 1 is beyond the scope of this development. Comments listed by GWA in 2008 (b, c, d, e, f and g) were made during "Utility Moratorium" period. Since then, these comments were no longer contained and repeated in GWA recent ARC reviews.</p> <p>Wastewater discharge from swimming pools will not be connected to sanitary sewer system.</p>

Responses to ARC Position Statements

Project: Pago Bay Marina Resort Case No: 2015-29 Agency: GEPA

Item No.	SUMMARY OF COMMENTS	RESPONSE
	<p>information on any projects completed in support of the application.</p> <ol style="list-style-type: none"> 2. The sewer discharge must be contained in a holding tank and a pump station with a capacity of 24 hours to allow schedule of pumping by GWA during no-peak hours. 3. The proposed discharge points must bypass the Pago Double Shaft Sewer Pump Station. 4. Cleaning and maintenance of any swimming pool must not be discharged to the sewer system. It must be pumped by a private company and discharged at an acceptable location. 5. The wastewater pump station requires a certified operator to operate for compliance with the 10 GCA Chapter 52, the "Water and Wastewater Operator's Mandatory Certification Act." 6. Pumping of sewage to GWA's gravity main must be schedule during non-peak hours. 	
3.	<p>Water System:</p> <ol style="list-style-type: none"> a. The proposed connection is at the existing Pago Bay Resort is supplied after the GWA Pago Bay Booster Pump. b. The required Maximum Daily Demand is 172,800 Gallon per day, which is equivalent to the production of a 100-GPM water well. c. The project is at the lowest elevation, therefore all available water in the distribution pipes could be exhausted by this facility, and customers at higher elevations could be impacted with low to no water pressures. <p>Recommendation:</p>	<p>Water main connection from GWA to the Pago Bay Resort development (Phase 1, 2 & 3) was made after discharge head of the Pago Booster Pump Station at the recommendation of GWA Engineering. This was to mitigate potential elevation problems and to prevent possible pump cavitation problem.</p> <p>A water storage tank within the project development will be considered, if necessary. However, this is a less desirable solution in terms of water safety and redundant re-pressurizing mechanical system.</p> <p>If approve by Government of Guam, alternate non-potable underground and storm water will be considered for landscaping use.</p>

Responses to ARC Position Statements

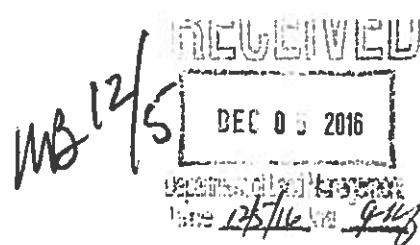
Project: Pago Bay Marina Resort Case No: 2015-29 Agency: GEPA

Item No.	SUMMARY OF COMMENTS	RESPONSE
	<ol style="list-style-type: none"> 1. The applicant must construct a water storage tank with a minimum capacity of 24 domestic demands and the required fire flow. 2. The water point of connection must be before the Pago Booster station to conserve energy. 3. Non-potable water for landscape and other non-domestic used must be explored by collecting rainwater. 	
4.	<p>Other:</p> <ol style="list-style-type: none"> a. Wetland area must be protected and a buffer of 30 feet must be maintained. b. The project must comply with all the requirements of Guam EPA regulations to be incorporated during the issuance of building permit clearance (i.e., Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.) 	<p>There are no activities planned within the Wetland. Safe distance markers will be posted to prevent construction equipment from entering the wetland.</p> <p>Solid Waste Management Plan, Boring and Dewatering Permit & Air Emission permit will be prepared during building permit application.</p>

Responses to ARC Position Statements

Project: Pago Bay Marina Resort **Case No:** 2015-29 **Agency:** GPA

Item No.	SUMMARY OF COMMENTS	RESPONSE
1.	Compliance with National Electric Code, National Electric Safety Code, GPA's Service Rules and Regulations.	Will comply during design and during building permitting.
2.	Coordination with GPA for overhead/underground Power requirements.	Will comply.
3.	Maintain minimum clearances as defined by the National Electrical Safety Code and National Electrical Code.	Will comply.
4.	Maintain adequate clearance between structures and electric utility easements in accordance with ESC and GPA requirements.	Will comply.
5.	Developer/owner shall provide necessary electric Utility easements to GPA prior to final connection.	Will comply.
6.	Provide any revisions to scheduling and magnitude of project power demand requirements for new Loads.	Will comply.
7.	All relocation costs for GPA's facilities, if necessary, are 100% chargeable to the applicant including but not limited to labor and materials.	Will coordinate any and all cost items with GPA.
8.	Required system upgrade will be charged to the applicant. This includes relocation costs, new installation costs and all costs associated with modification of GPA facilities.	Developer will coordinate and identify any and all relocation costs, new installation costs and all costs associated with modification of GPA facilities for work directly associated with providing power to the development.
9.	Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current Issue of GPA's Service Rules and Regulations.	Will comply with requirement of GPA's Service Rules and Regulations.
10.	Further system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.	To be identified by both applicant and GPA.



FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, Guam 96913
Tel: 671.988.7011 felouben@gmail.com

December 1, 2016

20 FILE

Mr. Michael Borja, Executive Secretary
Guam Land Use Commission
C/O Department of Land Management
PO Box 2950
Hagatna, Guam 96910

Subject: Notice of Termination of Consultant Services for Pago Bay Marina Resort, Lot 164-4NEW-1 (GLUC No. 2015-29B), in the Municipality of Yona.

Hafa Adai Mr. Borja,

Please be advised that our company will no longer be representing the above subject project before the Guam Land Use Commission. This action is effective December 1, 2016.

We express our appreciation for all the assistance, support, and courtesies extended to our company, particularly by your agency as well as by other GovGuam agencies during our involvement with Pago Bay Marina Resort.

You may contact our Associate Planner, Mr. Raymond Benavente at 988-4142, or at gmgusa@yahoo.com should you need general information.

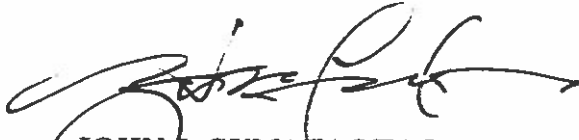
We appreciate your understanding and consideration.

Si Yu'os Ma'Ase


Lourdes A. Benavente
General Manager

ATTACHMENT B

The attached Notice and Order to Show Cause dated December 7, 2016 was duly served upon and acknowledged by **GUAM WANFANG CONSTRUCTION, LTD** at **10:50am, December 7, 2016** at Unit 308, Sunny Plaza, 125 Tun Jesus Crisostomo Street, Tamuning.



JOHN J. GUMATAOTAO, Land Agent

Special Process Server for the Department of Land Management

GUAM LAND USE COMMISSION

In the Matter of:)
Guam Land Use Commission) APPLICATION No. 2015-29B
vs.) NOTICE & ORDER TO
Guam Wanfang Construction Ltd.) SHOW CAUSE

THE GUAM LAND USE COMMISSION TO:

Guam Wanfang Construction Ltd.
Unit 108 Sunny Plaza
125 Tun Jesus Crisostomo Street
Tamuning, Guam 96913

YOU ARE ORDERED TO SHOW CAUSE as to the reason (s) for failure to comply with Conditions of Approval of the Zone Variance for Height for the proposed Pago Bay Marina Resort as noted on Notice of Action, dated May 10, 2016 and to present a complete and exact report to address the following within two (2) weeks of receipt of this notice and order:

- a) Failure to meet the required six (6) month deadline;
- b) The financial status of the project;

Further, at its meeting of November 29, 2016, the GLUC identified the following additional items to be addressed:

- c) Density requirement appearing to have been exceeded;
- d) Not meeting the parking requirements;
- e) Update and status on the internment of remains; and
- f) Written report from the Army Corps of Engineers on any possible impacts to the wetlands.

1
2 You should be prepared to provide evidence to the GLUC as to how
3 you complied or any work towards compliance with all of the conditions of
4 the Notice of Action. Failure to appear at the hearing may result in a
5 default judgment against you.
6

7 **YOU ARE ORDERED TO APPEAR** at the Guam Land Use
8 Commission ("GLUC") Meeting at the Guam International Trade Center
9 (GITC) Building, 590 S. Marine Corps Drive, Third Floor, Department of
10 Land Management (DLM) Conference Room, Tamuning, Guam on
11 January 12, 2017 at 1:30 p. m. to address your submitted report.
12

13 **IMPORTANT:** This hearing directly affects the continuation of
14 your project. You should seriously consider your actions relative to
15 this notice.
16

17
18 Dated this 7th day of December, 2016
19
20

21
22
23 GUAM LAND USE COMMISSION

24
25 By: _____

26 **John Z. Arroyo**
27 Chairman
28
29
30
31

Seary Plaza
Unit 305

Received
12-7-2016 10:56 AM
Jana Steiner

ATTACHMENT C

DOOLEY ROBERTS FOWLER & VISOSKY LLP
ATTORNEYS AT LAW

RECEIVED

12-22-2016

DAVID W. DOOLEY
TIM ROBERTS
KEVIN J. FOWLER
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Of Counsel:
MELINDA C. SWAVELY

Writer's Direct Email:
Forman@GuamLawOffice.com

December 21, 2016

VIA HAND DELIVERY

John Z. Arroyo, Chairman
Guam Land Use Commission
ITC Building
590 South Marine Corps Drive
Tamuning, Guam 96913

MB 12/23



VIA HAND DELIVERY

Marvin G. Aguilar, Guam Chief Planner
Department of Land Management
590 South Marine Corps Drive
Tamuning, Guam 96913

**Re: Draft Agreement pursuant to section 8 of May 3, 2016 Notice of Action re:
Pago Bay Marina Resort**

Dear Chairman Arroyo and Chief Planner Aguilar:

Attorney Jon Visosky of our office is currently representing Wanfang Construction, Ltd. and Guam Wanfang Construction Ltd. with regards to matters pending before the Guam Land Use Commission concerning the Pago Bay Marina Resort project. Because Jon is currently off-island, I have been asked to prepare a document to be submitted to the Commission for review, that being a draft agreement between the Commission and Wanfang concerning a demolition bond to assure demolition of structures associated with the project in the event that Wanfang cannot complete the project due to lack of funding. Wanfang is required to submit this draft agreement by section 8 of the Notice of Action prepared on May 3, 2016 concerning Wanfang's request for a height variance. A draft agreement is enclosed for your review and comments. Because section 8 did not provide substantial detail concerning the agreement to be submitted for the Commission's review, I would like to call your attention to some of the proposed language that has been included to "fill in the blanks".

I would note that the draft agreement provides for a bond payable to the Guam Department of Public Works in the amount of 110% of the estimated cost of demolition of the

6/12/17
12-22-16

project, not 110% of the cost of the entire project. This is because the bond would be used only to demolish the incomplete project, rather than to complete, the project.

The draft agreement provides for reports from Wanfang to the Commission up until the time that construction commences. Wanfang understands that once construction has commenced, the Department of Public Works would be the agency with primary responsibility for oversight in accordance with Guam law.

The draft agreement also provides for demolition of any or all parts of the project that are incomplete and that violate any Guam law, are a hazard to the environment or public health, and/or are an eyesore. It is Wanfang's understanding and belief that even if the entire project is not completed on time, the bond would and should not be used to demolish buildings or facilities that are complete and functional.

With respect to review of an initial decision by the Commission to authorize use of the bond to commence demolition, the draft agreement provides that Wanfang would have a minimum (and at the Commission's discretion, that could also be a maximum) of 30 days to seek reconsideration of such a decision. The draft agreement provides that Wanfang could not seek judicial review of the decision without first seeking reconsideration from the Commission. The draft agreement further provides that if Wanfang then seeks judicial review, a decision by the Commission which is in accordance with the law and which is supported by substantial evidence shall be conclusive. This is the same deferential standard of review applied to other administrative agency decisions in 9 GCA §9239 in Guam's Administrative Adjudication Law.

Thank you for your attention to this matter. Representatives of Wanfang and either Jon or I would of course make ourselves available to meet with you and/or the Commission's attorney to discuss this Draft Agreement. Once the draft agreement has been reviewed and approved, we can arrange to have it finalized and recorded.

Sincerely,

DOOLEY ROBERTS FOWLER & VISOSKY LLP

Seth Forman

Seth Forman

Encl.

cc: James Fang, Vice President/General Manager
Guam Wanfang Construction Ltd.

John K. Sherman, PE, President
AES Construction

**DRAFT AGREEMENT BETWEEN GUAM LAND USE COMMISSION AND GUAM
WANFANG CONSTRUCTION LTD. CONCERNING DEMOLITION BOND**

THIS AGREEMENT is entered into this ____ day of December, 2016, by and between the Guam Land Use Commission, hereinafter called "the Commission", represented by the Chairman of the Commission, and Wanfang Construction Ltd., hereinafter called "Wanfang", represented by the General Manager of Guam Wanfang Construction Ltd..

WHEREAS, in Application No. 2015-29A, Wanfang applied to the Commission for a zone variance for height to construct the Pago Bay Marina Resort on Lot 164-4NEW-1, Municipality of Yona; and

WHEREAS, on May 3, 2016, the Commission approved the application for the zone variance for height with conditions; and

WHEREAS, the conditions for the approval included a requirement that there be an agreement between Wanfang and the Commission to assure the availability of funding for the demolition of structures associated with the project in the event the developer fails to realize project completion as a result of lack of funding;

NOW THEREFORE the Commission and Wanfang agree as follows:

1. Wanfang shall commence construction on the Pago Bay Marina Resort project by May 1, 2017, and shall complete the project by November 30, 2019.
2. From the date of recordation of approval for the project up until the date of commencement of construction, Wanfang shall submit a written report every six months to the

Commission on the status of the project with respect to the associated phases of development. The reports shall include the status of funding for the overall project. Prior to commencement of construction, Wanfang shall provide the Commission with documentation that it has the financial capability to complete the project.

3. Prior to securing permits for the project, Wanfang shall obtain an estimate of the cost of demolition of the structures associated with this project from a reputable demolition company. Wanfang shall provide a copy of the estimate to the Commission.

4. Wanfang shall obtain a bond payable to the Guam Department of Public Works in an amount equal to 110% of the estimated cost of demolition of the structures associated with this project.

5. If the project is not completed by May 31, 2020, or if the Commission determines through substantial evidence that the project has been abandoned without being completed prior to that date, and if the Commission determines through substantial evidence that any or all parts of the incomplete project that are in place at that time violate any Guam law, are a hazard to the environment or public health, or are an eyesore visible from adjoining property or public roads, then the Commission may issue a decision authorizing the Department of Public Works to use the funding from the bond to demolish such parts of the project.

6. Wanfang may seek reconsideration from the Commission of a decision issued pursuant to paragraph 5 of this agreement within such time period as the Commission finds to be reasonable, provided that such time period shall not be less than 30 days. When seeking such reconsideration, Wanfang must cite appropriate reasonable justification to rescind such order. No demolition shall take place and no funds from the bond shall be expended while a request for

reconsideration, or an appeal therefrom, is pending. The request for reconsideration is a requirement for Wanfang to exhaust its administrative remedies before Wanfang may appeal the decision as set forth in paragraph 7 below.

7. Wanfang's may appeal any decision made by the Commission pursuant to this Agreement to the Superior Court of Guam by filing a petition for judicial review in the Superior Court of Guam within 30 days after denial of a request for reconsideration. A decision of the Commission which is in accordance with the law and which is supported by substantial evidence shall be conclusive.

8. Wanfang may request the release of any bonding obtained pursuant to this Agreement when the project is complete and a final occupancy permit has been secured through the Guam Department of Public works.

GUAM LAND USE COMMISSION

Dated: _____

By: _____

John Z. Arroyo, Chairman

GUAM WANFANG CONSTRUCTION, LTD.

Dated: _____

By: _____

**James Fang, Vice President/General
Manager**

TAMUNING, GUAM) ss:

)

ON THIS ____ day of December, 2016, before me, a Notary Public in and for the Territory of Guam, personally appeared **John Z. Arroyo**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public

TAMUNING, GUAM) ss:

)

ON THIS ____ day of December, 2016, before me, a Notary Public in and for the Territory of Guam, personally appeared **James Fang**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public

RECEIVED
12/23/16
D

December 23, 2016

Department of Land Management
ITC Building Suite 733
590 S. Marine Corps Drive
Tamuning, GU 96913

Attention: Mr. Marvin Aquilar
Chief Planner

Re: Status of Notice To Show Cause (NSC) – November 29, 2016
Addendum to December 21, 2016 Submission

Mr. Aquilar,

On behalf of Guam Wanfang Construction, we submit the following Addendum to our December 21, 2016 Submission

We take seriously the statistics for the project and triple checked the numbers and counts after submission. We found a few typographical and counting errors. Please accept these corrections.

Response Letter – revise total parking as follows

1. Total Parking Spaces provided 272. Requirement is 1:1 residential unit count to parking count, exceeding required minimums by 40 spaces.

B100 – Full Size 107 Total 113

Attachment 2 – Square Footage Summary – Replace entire section with Attachment

Thank you for your time.



Barbara Burkhardt, RA
Designer of Record

I. **Lot Number** LOT 164-4NEW-1
 II. **Municipality** Yona

Lot Area		299,505 sf
Wetland Reserve	32%	96,660 sf
Vegetative Barrier (V.B.)	20%	58,258 sf

III. **Building Footprint** 16% 49,261 sf

IV. **Public Area**

Recreational Swimming Pool 92)		10,887 sf	
Play Area / Slide		1,986 sf	
Landscape/ Driveway Areas		60,933 sf	
* Boardwalk & viewing Platforms V.B.		(3,784) sf	* sf not included
Concrete Decks & Lounge Area		17,124 sf	
* Gabion Sea Wall (450lf x 6 ft) V.B.		(2,700) sf	* sf not included
Beach Access		4,066 sf	
Total Public Area	32%	94,996 sf	

V. **** Off-Site Grading Route 4 Embankment** (16,670) sf ** sf not included

VI. **Parking Data**

Upper Level Parking Area		74,124 sf
Full Size	107	
Compact	2	
ADA Parking	4	
Lower Level Parking Area		76,813 sf
Full Size	127	
Compact	3	
ADA Parking	4	
Ground Level Site Parking		
Full Size	25	
Total Car Parking	272	
Other Parking – Bus	1	
Emergency Vehicle Access	1	

VII. Tower A

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Levels 1 – 11					
	AA	2	2	1,085	222
	AB	2	2	1,070	245
	AC	3	3	1,707	671
	AD	3	3	1,500	562
	AE	2	2	1,070	245
	AF	2	2	1,085	248
	AG	1	2	796	176
	AH	1	2	754	397
	AI	1	2	797	182
	AJ	2	2	1,052	447
	AK	2	2	1,129	442
Total Residential Units/ Floor					
11 Units per Floor/ Gross Areas Per Floor				12,106	3,838
Shared Floor Area per Floor					
	Stairs			336	
	Elevator			233	
	Circulation & Hallways			1,877	
	Chute			68	
	Housekeeping / Electrical Closet			212	
	Ice Machine Room			43	
	Total Shared Space			2,769	
Total for Tower A					
	11 levels				
	121 Units				
	Gross Tower A Area			205,843	sf

VIII. Tower B

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Levels 2 – 10					
	BA	2	2	1,085	222
	BB	2	2	1,070	245
	BC	3	3	1,707	671
	BD	3	3	1,500	562
	BE	2	2	1,070	245
	BF	2	2	1,085	248
	BG	1	2	796	176
	BH	1	2	754	397
	BI	1	2	797	182
	BJ	2	2	1,052	447
	BK	2	2	1,129	442
Total Residential Units/ Floor					
11 Units per Floor /Gross Area per Level				12,106	3,838

Shared Floor Area per Floor

Stairs	336
Elevator	233
Circulation & Hallways	1,877
Chute	68
Housekeeping / Electrical Closet	212
Ice Machine Room	<u>43</u>
Total Shared Space	2,769

9 Levels

99 Units

Subtotal Gross Area **168,417 sf**

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Level 1					
	BA	2	2	1,085	189
	BB	2	2	1,070	205
	BC	3	3	1,707	504
	BD	3	3	1,500	408
	BE	2	2	1,070	208
	BF	2	2	1,085	151
	BG	1	1	796	176
	BK	2	2	<u>1,129</u>	<u>313</u>
Total Residential Units/ Floor					
8 Units per floor/ Gross Area Per Floor				9,442	2,154

Shared Floor Area per Floor

Stairs	304
Elevator	233
Circulation & Hallways	2,329
Trash Chute	68
Housekeeping / Electrical Closet	346
Ice Machine Room	74
Lobby Mechanical Room	<u>240</u>
Total Shared Space	3,594

1 Level

8 Units

Subtotal Gross Area **15,190 sf**

Floor Level M	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
	B	2	2	1,070	205
	C	3	3	1,707	504
	D	3	3	1,500	408
	E	2	2	1,070	208
Total Residential Units/ Floor					
4 Units per Floor				<u>5,347</u>	<u>1,325</u>

1 Level
4 Units
Subtotal Gross Area **6,672**

Total for Tower B

11 levels
111 Units
Gross Tower B Area 190,579 sf

IX. Ground/ Lobby Floor

Lobby entry/ Arrival/ Front Desk 834
Guest Lobby Lounge Area (2) 12,344
Gym (Lower Level -Pool Access) 3,945
Restaurant 4,624
Café 1,524
Kitchen 4,035
Function Rooms 5,106
Retail 4,331
Elevator Lobbies 1,634
Stairs 608
Open Lanai Deck Area/ Fountain 3,600
Gross Ground Total Area 42,585 sf

X. Mezzanine Floor

Admin Offices 4,411
Maintenance & Housekeeping 5,453
Stairs 760
Elevator Lobbies & Circulation 5,610
Guest Lounge Area 2,400
Gym (Main Level) 5,746
Gross Mezzanine Total Area 24,380 sf

December 27, 2016

Department of Land Management
ITC Building Suite 733
590 S. Marine Corps Drive
Tamuning, GU 96913

12-27-16

Attention: Mr. Marvin Aquilar
Chief Planner

Re: Status of Notice To Show Cause (NSC) – November 29, 2016
Addendum 2 to December 21, 2016 Submission

Mr. Aquilar,

On behalf of Guam Wanfang Construction, we submit the following Addendum to our December 21, 2016 Submission

We take seriously the statistics for the project and triple checked the numbers and counts after submission. We found an error on the Restriping of the parking lot at the proposed Reburial Site.

1. Parking Spaces provided restriped to 8'6 x 19'.
2. Attachment 4 - Sheet AS- 101 Site Plan, Resubmitted as Attached.

We also submit 2 CD's of the Project Manual. All Addendum and Addendum 2 are included on the CD.

Thank you for your time.



Barbara Burkhardt, RA
Designer of Record



AES CONSTRUCTION

PM&E, SITE, DR, T&E, G&M

2770 N. WARDEN DRIVE, TAMMUNG, GUAM

(671) 848-8321

Form Name and Address

Contractor / Sub

I certify that this work was prepared by me or under my direct supervision.

ENLARGED BURIAL SITE PLAN

No.	Revision/Issue	Date	Approved	Sheet Content
02	GLUC Status Update Revision	12/02/2016		

Form Name and Address

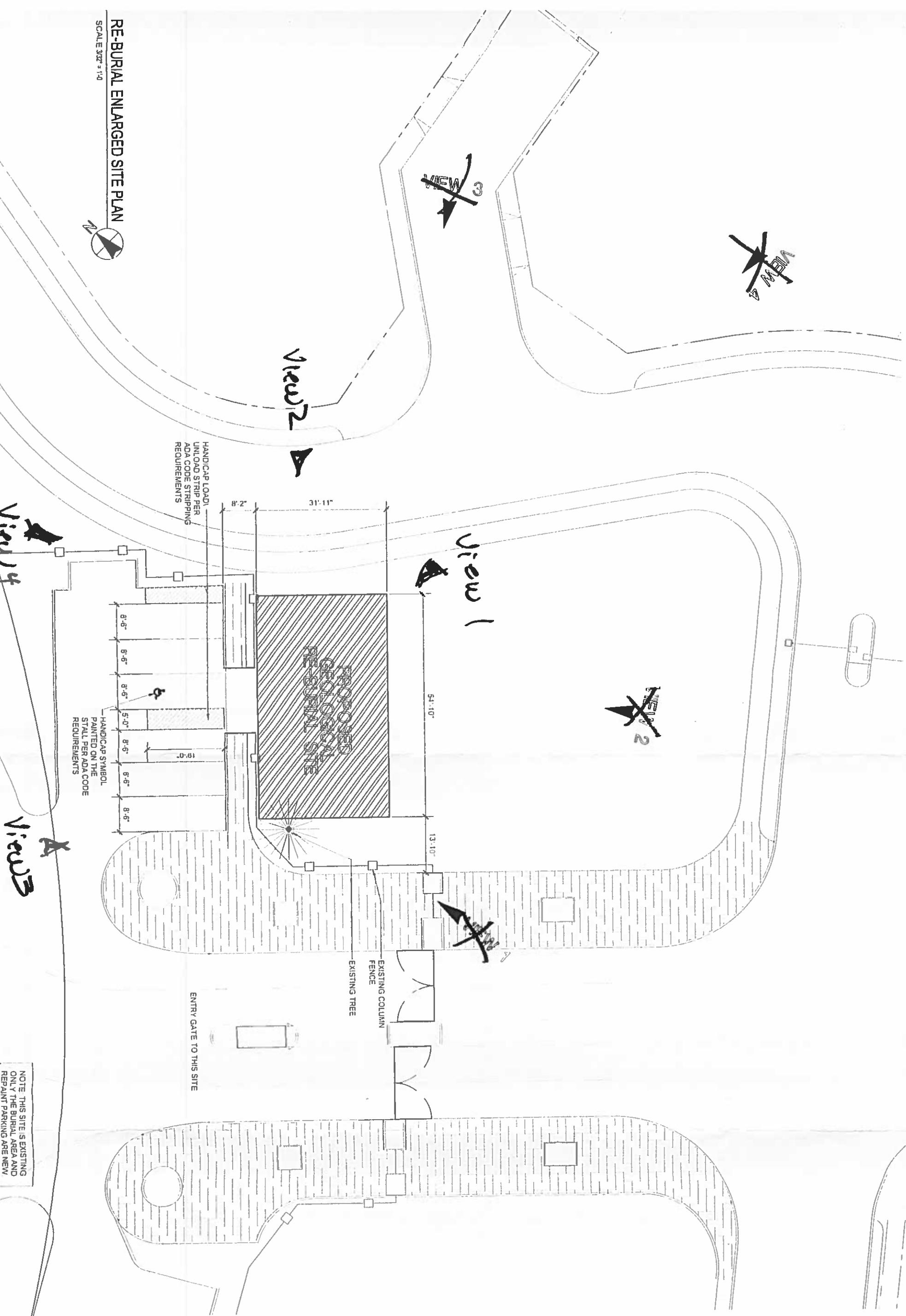
GUAM WAFANG CONSTRUCTION
109 SUNNY PLAZA
125 Tinian Avenue, Chamorro St.
TAMMUNG, GUAM 98013

PROPOSED GEOLOGICAL RE-BURIAL SITE
PAGO BAY LAGUNA RESORT
GUAM

YOMA

GUAM

NOTE: THIS SITE'S EXISTING ONLY THE BURIAL AREA AND REPAINT PARKING ARE NEW



RE-BURIAL ENLARGED SITE PLAN
SCALE 1/8" = 1'-0"